

PALESTINE

International Documents on Human Rights **1948-1972**

Institute For Palestine Studies • World Conference of Christians For Palestine

Beirut, 1972

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INTERNATIONAL DOCUMENTS ON HUMAN RIGHTS

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EDITORIAL NOTE

This compilation of documents recording Israel's violations of the human rights of the Palestinian people includes documents which, for the most part, emanate from international bodies, official and non-official. The only national organization represented is the Israel League for Human and Civil Rights.

Special thanks are extended to Mr. John Saliba for his efforts in preparing this collection.

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I

UNITED NATIONS

1. Report of the Special Committee To Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories¹

October 26, 1970

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¹ United Nations, General Assembly, 25th Session, Oct. 26, 1970, *Report of the Special Committee To Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories*, A/8089, pp. 19-66. Part I of the Report ("Mandate and Establishment of the Special Committee") and the Annexes are not reproduced here.

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U.N. Special Committee Report - 1970

II. INTERPRETATION OF THE MANDATE OF THE SPECIAL COMMITTEE

A. Relevant international instruments and resolutions

24. In resolutions 2443 (XXIII) and 2546 (XXIV), the General Assembly referred to the following international instruments and resolutions:

- (a) The Charter of the United Nations;
- (b) The Universal Declaration of Human Rights;
- (c) The Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;
- (d) Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968;
- (e) General Assembly resolutions 2252 (ES-V) of 4 July 1967, 2341 B (XXII) of 19 December 1967 and 2452 A (XXIII) of 19 December 1968;
- (f) Economic and Social Council resolution 1336 (XLIV) of 31 May 1968;
- (g) Commission on Human Rights resolutions 6 (XXIV) of 27 February 1968, and 6 (XXV) of 4 March 1969, and the telegram dispatched to the Government of Israel on 8 March 1968;
- (h) The relevant resolutions of the United Nations Educational, Scientific and Cultural Organization and the World Health Organization.

25. Security Council resolution 237 (1967), which was endorsed by the General Assembly in resolution 2252 (ES-V), applies to the plight of civilians from the areas affected by the hostilities of June 1967 in the Middle East, and to the situation which arose after those hostilities. The Security Council called upon the Government of Israel, inter alia, "to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities."

26. In both resolutions, the preamble refers to "the urgent need to spare the civilian populations and the prisoners of war in the area of conflict in the Middle

East additional sufferings" and "the urgent need to alleviate the suffering inflicted on civilians and prisoners of war as a result of the recent hostilities in the Middle East." The purpose of these resolutions was therefore to protect the civilian population by calling upon the Government of Israel to ensure their safety, welfare and security and to facilitate the return of those who had fled. In addition, both resolutions recommended to the Governments concerned "the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and civilian persons contained in the Geneva Conventions of 12 August 1949." The Security Council, in resolution 237 (1967), requested the Secretary-General to follow "the effective implementation of this resolution and to report to the Security Council."

27. The Security Council, in resolution 259 (1968), expressed concern for "the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel," deplored the "delay in the implementation of resolution 237 (1967) because of the conditions still being set by Israel for receiving a Special Representative of the Secretary-General," and requested the Secretary-General urgently to dispatch a Special Representative to the occupied territories and to report on the implementation of resolution 237 (1967).

28. In resolution 2341 B (XXII), the General Assembly expressed its concern about the "continued human suffering as a result of the recent hostilities in the Middle East." In resolution 2452 A (XXIII), the Assembly called upon the Government of Israel "to take effective and immediate steps for the return without delay of those inhabitants who have fled the areas since the outbreak of hostilities."

29. The Commission on Human Rights adopted resolution 6 (XXIV) on 27 February 1968 and resolution 6 (XXV) on 4 March 1969. The Economic and Social Council endorsed resolution 6 (XXIV) in resolution 1336 (XLIV), adopted on 31 May 1968. The preambles of both Commission resolutions referred specifically to "the principle embodied in

the Universal Declaration of Human Rights recognizing the right of everyone to return to his country." Both resolutions affirmed "the inalienable right of all the inhabitants who have left since the outbreak of hostilities to return," and called upon the Government of Israel "to immediately implement the United Nations resolutions to this effect." In resolution 6 (XXV) the Commission established a Special Working Group of Experts to investigate allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War on 12 August 1949 in the territories occupied by Israel as a result of hostilities in the Middle East. The Special Working Group of Experts presented its report (E/CN.4/1016 and Add.1-5) to the Commission at its twenty-sixth session. After considering the report, the Commission adopted resolution 10 (XXVI), in which the Commission inter alia requested the Secretary-General to bring the report of the Special Working Group to the attention of the General Assembly, the Security Council and the Economic and Social Council. The Economic and Social Council, in resolution 1504 (XLVIII), took note of the report of the Special Working Group.

30. It is apparent that a common purpose of the resolutions referred to in paragraphs 25 to 29 supra is primarily to secure the return of those inhabitants who had fled the occupied areas to their homes, to ensure the safety, welfare and security of the inhabitants of the occupied territories and to alleviate their sufferings.

31. The Special Committee notes that in the time that elapsed between 14 June 1967, when the first resolution on this question was adopted by the Security Council, and 19 December 1968, when the General Assembly adopted resolution 2443 (XXIII), establishing the Special Committee, the concern of the United Nations organs for the safety, welfare and security of the population of the occupied areas was accentuated by the increasing frequency of the allegations of violations of human rights in the occupied areas and by Israel's refusal to fulfil its obligations under the Charter

and the Geneva Conventions.

32. The international instruments and resolutions mentioned in paragraphs 25 to 29 constitute the context in which the Special Committee has carried out its mandate.

B. Scope of the investigation

33. The mandate of the Special Committee, as set out in resolution 2443 (XXIII), is to "investigate Israeli practices affecting the human rights of the population of the occupied territories." The proper interpretation of this mandate requires the Special Committee to determine:

- (a) Which are the territories that should be considered as "occupied territories";
- (b) Who is covered by the term "population" of the occupied territories;
- (c) What are the "human rights" of the population of the occupied territories;
- (d) What are the "policies" and "practices" referred to in resolutions 2443 (XXIII) and 2546 (XXIV).

34. With regard to the first question, both resolutions 2443 (XXIII) and 2546 (XXIV) refer to the situation that developed subsequent to the hostilities of June 1967. The areas under Israeli occupation are: the Golan Heights, the West Bank (including East Jerusalem), the Gaza Strip and the Sinai Peninsula.

35. As regards the second question, as to who are the persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee, the first and most obvious category of persons is the civilian population residing in the areas occupied as a result of the hostilities of June 1967. The second category consists of those persons normally resident in the areas that are now under occupation but who have left those areas because of the hostilities. However, the

Special Committee notes that resolution 2443 (XXIII) referred to the "population", without any qualification as to any segment of the inhabitants in the occupied territories.

36. The "human rights" of the population of the occupied territories, in the view of the Special Committee, consist of two elements, namely those rights which the Security Council referred to as "essential and inalienable human rights" in its resolution 237 (1967); and secondly, those rights which find their basis in the protection afforded by international law in particular circumstances such as occupation and, in the case of prisoners of war, capture. To the first set of rights pertain those enunciated in the Universal Declaration of Human Rights, and in particular the principles set out in article 13 regarding the right of everyone to return to his own country. According to article 2 of the Declaration, everyone is entitled to all these rights and freedoms without distinction of any kind; furthermore, "no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether this territory be . . . independent . . . or under any other limitation of sovereignty." The Special Committee considers that these rights are of universal application to the persons covered by its investigation, subject of course to the provisions of article 29, paragraph 2, of the Declaration.¹

37. Moreover, civilians are entitled to the protection envisaged in the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Convention) in accordance with the provisions of that Convention, and prisoners of war are entitled to the protection afforded by the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 (Third Convention).

¹ Article 29, paragraph 2: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

The Special Committee notes that the Third and Fourth Geneva Conventions were ratified by the Hashemite Kingdom of Jordan on 29 May 1951, by Israel on 6 July 1951, by the United Arab Republic on 10 November 1952 and by the Syrian Arab Republic on 2 November 1953.

38. Apart from the Third and Fourth Conventions which are unquestionably applicable to the situation in the Middle East and binding upon Israel as the occupying Power, the Special Committee also has taken note of the standards set out in the International Covenant on Civil and Political Rights, which though not yet in force, asserts the inalienability of certain rights even "in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed."

39. The Special Committee's investigation, according to resolutions 2443 (XXIII) and 2546 (XXIV), concerns "policies" and "practices" affecting human rights. Whereas resolution 2443 (XXIII) referred only to "acts of destroying homes of the Arab civilian population," resolution 2546 (XXIV) referred to "reports of collective punishments, mass imprisonment, indiscriminate destruction of homes and other acts of oppression against the civilian population" and to "deportation of the inhabitants." The Special Committee interprets the term "policies" to mean any course of action consciously adopted and pursued by the Government of Israel as part of its declared or undeclared intent. "Practices," for the purposes of the investigation of the Special Committee, are, in the context of resolutions 2443 (XXIII) and 2546 (XXIV), those actions which, irrespective of whether or not they are in implementation of a policy, reflect a pattern of behaviour on the part of the Israeli authorities towards the Arab population of the occupied areas.

III. ANALYSIS OF EVIDENCE

Introduction

40. In this section of its report the Special Committee analyses the evidence that has been presented to it. In doing so it has been guided by the purposes of the Security Council resolutions adopted from time to time after the June 1967 war, particularly Security Council resolution 237 (1967) of 14 June 1967, which expresses concern for, and seeks to ensure, the right of persons who had left their homes owing to the hostilities to return to their homes, and the safety, welfare and security of the inhabitants of the occupied territories.

41. The Fourth Geneva Convention of 1949¹ may be considered as the expression of the international community's sense of revulsion at the treatment accorded to Jews who came under the Nazi régime during time of war and occupation and who were subjected to indignities, abuses and deprivations in gross denial of human rights.

42. Since the adoption of that Convention the irony of history has made the June 1967 war between Israel and its neighbouring Arab countries, and the aftermath of that war, the first occasion on which the value of the Convention itself and the genuineness of individual nations' adherence to it could be put to the test. The Special Committee's attention was drawn to this aspect of the matter by the representative of the International Committee of the Red Cross appearing before it

(A/AC.145/RT.36).² The International Committee was the organ that found itself

¹ United Nations, *Treaty Series*, vol. 75 (1950), No. 973.

² The symbol A/AC.145/rt.____ refers to verbatim records of testimony heard by the Special Committee.

with the responsibility for ensuring the observance of the relevant Geneva Conventions. It was placed in the predicament of having to fulfil its traditional role as the accepted and neutral instrument for the observance of the international humanitarian rules of war and occupation while avoiding involvement in acrimonious controversy through the disclosure of instances of violation of these rules which had come to its knowledge solely by virtue of its privileged status.

43. In defining the precise aim and purpose of this investigation, the Special Committee decided, at the outset, that it must not interpret its mandate as enjoining it to conduct an investigation for the purpose of conviction and punishment of abuse. The Special Committee prefers to regard its mandate as requiring of it to investigate a situation, to ascertain the facts, to determine whether there have been contraventions of the Geneva Conventions of 1949 or the Universal Declaration of Human Rights and, if it finds that there have been instances of contravention and violation of these rules of international law, designed and accepted in the interests of humanity, to express its opinion as to the means and measures by which the international community can instil in all nations a scrupulous respect for, and extract from them adherence to, these rules of humanitarian conduct even under the brutalizing influence of armed conflict.

44. The Special Committee has no power to make an effective response to the numerous appeals made to it for help in securing the return of displaced persons to their homes in the occupied territories, the reunion of families or the release of relatives said to be held in detention without trial or intimation of charges, or the alleviation of the alleged sufferings and privations of the inhabitants of the occupied territories.

45. The evidence presented to the Special Committee consists of oral statements made under a solemn declaration, documentary evidence in the form of newspaper

articles by journalists, published statements of responsible representatives of the occupying Power, published reports, including reports of surveys such as those conducted by the Institute of Palestine Studies and the American University of Beirut, and of investigations such as those undertaken by Amnesty International, the National Council of Churches of Christ, USA, and the International Association of Democratic Lawyers; and graphic evidence in the form of films on the human rights of the population of the occupied territories.

46. The Special Committee was not allowed by the Government of Israel to visit the occupied territories, but despite this, sufficient evidence has been forthcoming from outside those territories to justify certain clear findings and conclusions. There were witnesses, some from within Israel itself, who spoke in general terms in warm approbation of the conduct of the Israeli forces and of the occupation régime (A/AC.145/RT.6, 37, 38). For the most part they maintained that they had seen no evidence of any violation of human rights or of the provisions of the Geneva Conventions of 1949.

47. There were other witnesses from Israel who corroborated the general evidence of systematic violations of human rights (A/AC.145/RT.3, 40, 41). The Special Committee would refer in particular to the evidence given by a representative of the Israel League for Human and Civil Rights on behalf of that organization, Mr. Joseph Abileah, an executive member of the League who was authorized by the League's executive to testify before the Special Committee (A/AC.145/RT.40, 41). He presented on behalf of the League a memorandum dated 8 June 1970, which forms part of the records of the Special Committee (L2, appearing as annex VI to this report). In this memorandum the Israel League for Human and Civil Rights refers to alleged instances of breaches of human rights, such as collective punishments, blowing up of houses, administrative detention, expulsions and torture, killing during curfew, and supports these

allegations with statistics and names of persons affected. Mr. Abileah supplemented the memorandum with oral evidence.

48. In an effort to eliminate any possibility of political prejudice or any other form of bias on the part of Mr. Abileah and the organization he represents, namely the Israel League for Human and Civil Rights, against the Government of Israel, the members of the Special Committee subjected Mr. Abileah to a thorough and exhaustive cross-examination. Mr. Abileah withstood this cross-examination without faltering and left no doubt in the minds of the members of the Special Committee as to his credibility.

49. The Special Committee wished to hear the evidence of the Israeli lawyer, Mrs. Felicia Langer, who was mentioned by several witnesses and has been referred to in the memorandum of the Israel League for Human and Civil Rights (see annex VI to this report). Mrs. Langer and her law associates seem to have been prominent in representing the interests of persons detained by the Israeli authorities and to have been in contact with several persons who complained of ill-treatment while in custody. Mrs. Langer had addressed an open letter to the Minister of Police entitled "*Where is the truth, Mr. Minister?*" citing certain cases of alleged torture. According to the memorandum of the Israel League for Human and Civil Rights, this letter was published in the *Zo' Haderekh* of 6 May 1970. The same letter appeared in the Israeli newspaper *Al-Ittihad* (No. 100 of 28 April 1970). The Special Committee also received from a witness in closed session translations of several letters concerning cases of alleged ill-treatment of some of Mrs. Langer's clients (see annex VII to this report). The Special Committee attempted without success to secure Mrs. Langer's attendance before it. In excusing herself, Mrs. Langer stated in a telegram to the Special Committee dated 30 July 1970:

Sorry unable to come because of my obligations towards clients and unfavourable circumstances in which testimony will endanger the continuation of my work. I confirm as facts verified by me all parts of

the memorandum Human Rights League sent to you concerning my cases and my experience. Felicia Langer

50. It is a self-evident proposition that the suppression or withholding of evidence regarding an offence is inexcusable and could be tantamount to abetment of the offence itself. There are, however, certain extenuating circumstances which might be invoked to exempt two organizations from this general proposition. They concern the International Committee of the Red Cross and the personnel employed in United Nations establishments like schools and camps of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Both these organizations were in a position to confirm or rebut direct evidence alleging violations of human rights in the occupied territories but their policies compel them to recognize discretion as the better part of humanity.

51. The International Committee of the Red Cross would risk forfeiting the prerogative it now enjoys, of access to embattled or occupied zones, to prisoners of war and to persons detained under military occupation régimes if it revealed information which has come into its possession in the course of its discharge of its humanitarian mandate and which has been made available to it in confidence.

52. The International Committee of the Red Cross seems to have found it impossible to function both as an intermediary protecting the interests of the captive and as an investigator exercising surveillance over the conduct of the captor. The reluctance of the International Committee to involve itself in the function of surveillance over the conduct of the occupying Power is understandable, as is also its chagrin at the leakage of the contents of reports which it hoped would remain secret. The Special Committee considers it proper to absolve the International Committee of the Red Cross from responsibility for these leakages. The Special Committee is entitled, however, to make use of any evidence that has come its way,

irrespective of the procedure through which such material has received publicity.

53. United Nations personnel find themselves in the same dilemma as the International Committee of the Red Cross in that they are faced with the conflict between the discharge of their primary and legitimate functions and the general duty which devolves on any responsible organization directly or indirectly concerned with the rules of international law and conduct, to co-operate in securing adherence to the principles of the Universal Declaration of Human Rights and the Geneva Conventions. The failure of UNRWA to disclose information regarding conditions prevailing in the occupied territories, and especially regarding the unpleasant experiences of UNRWA personnel and establishments at the hands of the occupation authorities, might appear to be a dereliction of a humanitarian duty. If, however, the policies of UNRWA preclude the organization from furnishing any evidence that it has in its possession, the Special Committee must either accept the situation, regrettable though it be, or seek some change of policy.

54. The Special Committee has made specific mention of UNRWA because there was evidence of undue and unwarranted interference with UNRWA establishments and personnel, particularly in the Gaza Strip. Reference has been made to UNRWA protests against the destruction of refugee huts, and to the sacking, looting and seizure of UNRWA property.

55. From the great mass of evidence that has been received, the Special Committee would like to extract those parts that merit special attention. In making this selection the Committee has taken into account the purpose of its investigation, which is not to establish judicial proof that in turn would lead to the conviction and the punishment of an offence, but to draw attention to a state of affairs of which there is prima facie evidence warranting, if the need should arise, further investigation. For example, where the names of persons who are said to have been

killed in the course of demolition and destruction of homes, or who are alleged to have been summarily shot by the occupation forces, have been given by witnesses, such evidence has more than ordinary value. Into this category would also fall statements made by more than one witness independently of one another and thereby providing some element of corroboration of forms of ill-treatment, further corroborated by physical evidence. Throughout the investigation the Special Committee endeavoured to pay special attention to the demeanour of witnesses as a measure of their credibility and to sift actual experience from invention.

56. The Special Committee realizes that the consternation, confusion and chaos that followed in the wake of hostilities and that prevailed in the first weeks or months of the cease-fire and the occupation largely account for the lack of coherence in the evidence of some witnesses, and also the notable absence of any attempt at an orderly and systematic accumulation of facts by any responsible authority. It is precisely under such conditions that the passions and animosities aroused by actual armed conflict could undermine the discipline of troops and impair the effectiveness of command, thereby resulting in individual excesses. This is not to condone such excesses or to absolve those in authority from their duty of adopting every precaution to prevent the abuse of power and the transgression of human rights.

A. The validity of the Defence (Emergency) Regulations, 1945

57. The Special Committee has taken note of the law by virtue of which Israel, as occupying Power, is carrying on the government in the occupied territories. Many measures and, in particular, the demolition of houses, deportation of individuals and imposition of curfews, were alleged by witnesses to have been taken by the Government of Israel under the authority of the Defence (Emergency) Regulations, 1945.

The Government of Jordan has questioned the validity of the Defence (Emergency) Regulations, 1945, and has submitted that as far as the West Bank was concerned such measures are illegal since:

(a) They did not form part of Jordanian law in 1967, having been abolished by the Jordanian Government when it brought into effect on 16 May 1948 the Jordanian Defence Regulations of 1935;

(b) Israel, as an occupying Power, does not have the right to promulgate such law; and

(c) In fact, Israel has not promulgated these regulations (see the reply of the Government of Jordan in annex V to this report).

58. The Special Committee has examined these regulations and is of the opinion that the question of their validity should be examined before the question of their applicability could be discussed. The purpose of these regulations in 1945 was to maintain order in a situation of emergency declared to be existing in Palestine, at that time a territory under British mandate. The situation existing in the territories occupied by Israel as a result of the hostilities in June 1967 is one of occupation of territories falling within the jurisdiction of three foreign States. This type of situation is governed by the Geneva Conventions of 1949, to which Israel is a party and which are applicable in the occupied areas.

59. The provisions of the Fourth Geneva Convention concerning the role of the occupying Power are unequivocal and should regulate the way in which that Power exercises authority in the occupied territories. The proper law to be applied in the West Bank by Israel should, therefore, be the Jordanian law existing at the time of occupation and the only changes permissible under the Fourth Geneva Convention are changes in such provisions of the penal law as constitute a threat

to the security of Israel or an obstacle to the application of the Convention.

Article 64 of the Fourth Geneva Convention further provides:

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

The Defence (Emergency) Regulations are not, and cannot be, considered as enacted in conformity with the provisions of the Geneva Convention since, irrespective of whether they are part of Jordanian law or not, they contain provisions which are contrary to several principles of human rights, which, the Special Committee considers, have been universally accepted and recognized in international law and the constitutions of most States. These principles are enshrined in legal provisions that are inalienable and any law or regulation purporting to deprive the individual of the protection of such rights is of itself invalid. Inasmuch as the Defence (Emergency) Regulations 1945:

- (a) Allow arbitrary, prolonged detention of individuals without charge or trial;
- (b) Deny persons, including those under detention, access to their lawful courts by substituting other quasi-judicial or administrative bodies that do not offer the procedural safeguards envisaged in the Geneva Conventions and the Universal Declaration of Human Rights;
- (c) Do not allow for proper and adequate legal aid of persons under detention;
- (d) Allow for arbitrary deportation of individuals;
- (e) Allow for destruction of property as a disciplinary measure irrespective of whether the owner of such property is known to be the offender or not;

these regulations may, to this extent, be considered invalid and any act perpetrated under any such invalid provisions is ultra vires.

60. Furthermore, the Special Committee is of the opinion that any law, even though based on security considerations, is invalid if such law violates the provisions of the Geneva Conventions. This applies to any provision, whether it exists in the Defence (Emergency) Regulations, 1945, or in the Security Instructions promulgated by the Israel Defence Forces in any occupied area, or in any other form of legislation or administrative decree concerning the occupied territories.

B. Analysis of evidence relevant to the right of
everyone to return to his country

61. The Special Committee received considerable evidence alleging infringements of the right of persons living in the areas under occupation to remain living there and of the right of those who fled those areas to return to their homes.

62. A number of witnesses testified that they had been forcibly deported from their homes; this applies, in particular, to those witnesses normally resident in the Golan Heights.¹ The same type of allegation was made in connexion with the Gaza Strip where, apart from evidence of forcible deportation, it was also alleged that the Israeli authorities were intent on transferring a considerable number of the inhabitants of Gaza to the West Bank.

63. The Special Committee received evidence of indirect methods, employed by Israeli authorities, designed to discourage the local inhabitants from remaining in the occupied areas and to induce them to leave. Allegations of harassment were made to the Special Committee by a considerable number of witnesses whose testimony ranges from allegations of unnecessarily repressive security measures to indiscriminate collective punishment inflicted by way of reprisal.

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A/AC.145/RT.12, pp. 18-20, 87, 101, 118-120; A/AC.145/RT.13, pp. 53, 54; A/AC.145/RT.14, p. 42; A/AC.145/RT.16, pp. 61, 72-75.

64. A number of publications presented to the Special Committee concerned this question: an interview with Mr. Weizman, Minister of Transport of the Government of Israel, reported in *Haolam Haze'h* (A/AC.145/RT.22, Nabulsi, doc. J52), quotes the Minister as saying that the West Bank has been and will remain a part of Israel and that the inhabitants of the area would be expelled from the West Bank, the Moslems being sent to the East Bank and the Druzes to the Golan Heights.

65. The evidence of mass deportation, and of the creation of conditions which leave no option to the individuals except to leave the territory, is further supplemented by evidence tending to show that the inhabitants of the occupied areas are being deprived of leadership by the deportation or detention of a considerable number of those persons looked upon by the inhabitants as their leaders.¹

66. The Special Committee has received evidence which indicates that the occupation has created adverse economic conditions which, together with other circumstances, force the inhabitants of the occupied territories to leave (A/AC.145/RT.10, Mr. Sayegh). On the other hand, an Israeli witness maintained that the economic conditions in the occupied territories had actually improved rather than deteriorated since the occupation (A/AC.145/RT.37).

67. The allegations of mass deportation, deportation of leaders, creation of adverse economic conditions and excessively harsh collective punishments - such as protracted curfews, demolition of houses, indiscriminate and frequent arrests and prolonged administrative detention of an ever-increasing number of persons - taken as a whole and in the absence of any reasonable justification for such

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A/AC.145/RT.17, p. 6 concerning the deportation of Senator A. Atalla;
A/AC.145/RT.18, p. 18 concerning the deportation of Mr. Nadim Zarou, Mayor of Ramallah; A/AC.154/RT.19, p. 92 concerning the deportation of Mr. Negib El-Ahmed, Member of the Jordanian Parliament, and Dr. Saleh Anabtawi, pediatrician;
A/AC.145/RT.20 on Mr. Ruhi Khatib, Mayor of Jerusalem.

measures, lead the Special Committee to believe that the occupying Power is pursuing a conscious and deliberate policy calculated to depopulate the occupied territories of their Arab inhabitants. In addition, the Special Committee has also received evidence of the establishment of Israeli settlements in the occupied territories, particularly in occupied Jerusalem, Golan Heights, and in certain areas of the West Bank.

68. The Government of Syria has represented to the Special Committee that Israel intends to annex the Syrian territory that it occupied during the hostilities of June 1967 (see reply of the Government of Syria in annex V to this report). The Syrian Government stated that the legal and judicial system in the occupied Syrian territory has been replaced by the Israeli legal and judicial system. The Syrian Government also drew the attention of the Special Committee to the following dispatch of the Jewish Telegraphic Agency dated 31 May 1970 concerning the establishment of Israeli settlements in the occupied Syrian territory:

"Jerusalem, 31 May (JTA) - A \$48 million five-year plan to expand Israeli settlements in the occupied Golan Heights was approved by the Ministry of Agriculture's Planning Committee today. The project calls for the addition of six new settlements to the eleven already established in the region. Each settlement will have 1,000 head of cattle and about 8,000 acres of pasture land for grazing. Golan settlements already produce potatoes, citrus fruits, plums, olives and walnuts."

69. The International Committee of the Red Cross, in the first part of a report on its activities in the Middle East during the period June 1967 to June 1970 (published in the *International Review of the Red Cross*, August 1970, No. 620), states with regard to the exodus from the Golan Heights, that the International Committee of the Red Cross delegation in Israel tried on several occasions to stop the various pressures that were forcing those people who were still in the area to leave for unoccupied Syria. The report states that the official Israeli position was confirmed by a letter of 7 May 1968, in which it was stated that the occupation forces were not doing anything to make the local inhabitants leave or to make them

stay. The Government of Israel is also reported as stating that the departure of the inhabitants was a voluntary one and not a forced deportation. The same report states that the local population of the occupied Syrian territory was estimated at 110,000 persons before the hostilities. Immediately after the hostilities, the population numbered about 8,000 persons, of whom 1,000 lived in Quneitra. At the beginning of 1968, the report states, there were 6,848 Druzes, 388 Muslim Arabs, seventeen Christian Arabs and five Tcherkesses. The report states that on 31 May 1970, there were eleven Arabs left in Quneitra.

70. The Special Committee takes note of the attempts that have been made since 1967, on behalf of the refugees, to facilitate their return to the areas under occupation that they had fled. As is shown, inter alia, by the report of the International Committee of the Red Cross, efforts at repatriation have been unsuccessful. In the view of the Special Committee this report confirms the view that the Government of Israel was to blame for hindering efforts at repatriation of civilians and reuniting families. The failure of these efforts, together with the other evidence referred to earlier, and the absence of any pronouncement or effective action to the contrary by the Israeli authorities, convince the Special Committee that the Government of Israel is in effect pursuing a policy whereby the rights of persons in the occupied territories to remain there and of those who have fled to return, is being denied.

C. Analysis of evidence relevant to the question of the safety, welfare and security of the inhabitants of the occupied areas

1. Allegations concerning persons and property

(a) Collective and area punishment

71. The Special Committee understands the term "collective and area punishment" as any punishment indiscriminately imposed on a number of persons without regard to

their responsibility for the act for which the punishment is imposed. It believes that responsibility for an act is a prerequisite to the punishment of that act.

72. The Special Committee received considerable evidence, ranging from eye-witness accounts to newspaper reports, on the alleged policy of collective and area punishment. To these must be added official pronouncements by members of the Government of Israel which affirm the existence of such a policy. This evidence shows that there is a policy of collective and area punishment being imposed indiscriminately on the civilian inhabitants in the occupied territories. It also shows that such punishment is, in most cases, inflicted by way of reprisal for acts of sabotage of which the resistance movement is suspected.

73. The evidence received by the Special Committee reveals that collective and area punishment takes the form of destruction of houses, curfews and mass arrests. A common feature of these forms of collective punishment appears to be the lack of proportion between the act committed and the punishment imposed.

Mr. Michael Adams (A/AC.145/RT.1) in his evidence, inter alia, on the curfew that was imposed in Gaza in January 1968, when a 250-gram TNT grenade was thrown, stated that during the curfew the United Nations Relief Organization in the area was not allowed to provide normal services over a period of several days and that the population had to go without food and sometimes without water for periods for the best part of twenty-four hours at a time. Similar evidence of collective punishment was received by the Special Committee with regard to incidents that occurred in Beit Sahhaur (A/AC.145/RT.3, Miss Birkett). The Committee also heard evidence concerning collective punishment imposed in several localities in the occupied territories, among them Gaza and Halhul. It is an established fact that Halhul was the scene of extensive destruction, that the destruction was inflicted as a collective punishment by way of reprisal, and that the Israeli authorities were responsible for the destruction that took place.

74. In addition to this evidence describing incidents of collective punishment, the Special Committee takes note of certain pronouncements of Israeli leaders. These pronouncements show that the collective punishments that have been imposed in the occupied territories are not merely isolated incidents in answer to manifestations of resistance to occupation, but rather part of a deliberate policy adopted by the Government of Israel. These acts of collective punishment in themselves are a violation of article 33 of the Geneva Convention relative to the Treatment of Civilian Persons in Time of War, of 12 August 1949, which states: ". . . Collective penalties and likewise all measures of intimidation or of terrorism are prohibited." The commentary to the Fourth Geneva Convention published by the International Committee of the Red Cross states that the prohibition on collective penalties refers to "penalties of any kind inflicted on persons or entire groups of persons, in defiance of the most elementary principles of humanity, for acts that these persons have not committed" (p. 225). In the cases brought to the Special Committee's attention regarding such incidents as those for example, in Halhul, Beit Sahhaur, and Gaza, there is no evidence to show that any effort was made to establish the responsibility of the victims of collective punishment and that in all cases the punishment imposed, whether it was destruction of homes or a twenty-two hour curfew, or indiscriminate arrest or detention for prolonged periods, was utterly draconian and defied the most elementary principles of humanity. Furthermore, the Special Committee has come to the conclusion that these collective punishments were imposed by way of reprisal, which is in itself contrary to the Fourth Geneva Convention (article 33).

(b) Deportation and expulsion

75. The Special Committee has heard considerable evidence of deportations, ranging from the ejection of whole village populations in the Golan Heights to the expulsion of individuals for alleged acts which the occupying Power considered to be contrary

to its interests or its convenience. In the Golan Heights, at various periods immediately after the cease-fire, the Israeli authorities ejected a number of persons forcibly from the villages. The Special Committee has received evidence in particular with regard to the villages of Deir El Bteha (A/AC.145/RT.12, Maatouk, p. 18), Massakieh (A/AC.145/RT.12, Dawwas, p. 87), Mashtah (A/AC.145/RT.12, Ersan, pp. 118-120), Hafar (A/AC.145/RT.12, Nassif, p. 101), Zaaoura (A/AC.145/RT.13, Khatib, pp. 53-57) and Quneitra (A/AC.145/RT.14, Kader, p. 42 and others). A substantial number of the inhabitants of the Golan Heights, particularly those from Quneitra (which is the largest town in the area), had fled before the Israeli troops entered the area, and of those who remained behind, the majority were forced to leave. The Special Committee notes that since that time there has been no genuine effort to bring back the inhabitants who had thus fled or had been forcibly ejected; on the contrary, there have been several confirmed reports that the Government of Israel has established Israeli settlements in those areas, the apparent purpose of which is to preclude the return of the inhabitants to these areas. Such mass deportation of the inhabitants of an area, and their replacement by persons of the occupying Power's choice in new and permanent settlements, constitute a violation of article 49 of the Fourth Geneva Convention.

76. The question may arise whether "the security of the population or military reasons" justify the Government of Israel in depopulating the Golan Heights. The civilians who inhabited the area before 1967 and who are now displaced have a right to return to their homes and should be allowed to do so. The Special Committee must stress that even strategic and defence considerations offer no pretext for the denial of this right.

77. The Special Committee also received evidence concerning the deportation of individuals from the occupied territories, in particular persons who may be

considered as being leaders of the community or who are recognized as such by the civilian population. The Special Committee would refer particularly to the Mayor of Jerusalem, Mr. Ruhi Khatib, and the Mayor of Ramallah, Mr. Nadim Zarou, who were deported on the ground of being security risks. The Special Committee has little reason to doubt that the Government of Israel hoped to enervate the community by depriving it of intelligent and active leadership, and thereby to reduce the community to a state of passive subservience to the occupying Power.

(c) Ill-treatment of prisoners and detainees

78. The Special Committee heard several witnesses who alleged that they had been subjected to cruel and inhuman treatment whilst under detention. It was particularly impressed by the testimony of a number of such witnesses, among them Mr. Sadaddin Kamal (A/AC.145/RT.11), Mr. Ahmed Khalifa (A/AC.145/RT.9), Mr. Youssef Salahat (A/AC.145/RT.21), and Mr. Ismael Abu Mayaleh and his wife, Mrs. Abila Tahha (A/AC.145/RT.22). These cases have been specially cited not because they exceed others in credibility but because they represent what the Special Committee feels is a cross-section of practices which are alleged to prevail in Israeli prisons and detention camps. The Committee notes also that a number of witnesses, in independent testimony in different countries, have corroborated one another's evidence with regard to methods of ill-treatment practised in certain prisons as distinct from certain other prisons. This is particularly true of Sarafand camp, sections of the Muscovite prison in Jerusalem and the Gaza prison.

79. Mr. Sadaddin Kamal (A/AC.145/RT.11) thirty-one years old, messenger and janitor at the Ministry of Public Works, a native of Beit Gian, who was working in Quneitra at the time of the June 1967 hostilities, appeared before the Special Committee and alleged that he had been blinded as a result of torture inflicted on him by his Israeli captors. He described how blood was drawn from his arm in such copious quantities that he was reduced to unconsciousness; how he was beaten on the head and

had his head subjected to violent pressure by being forced into a narrow opening, apparently a window in a room. He alleged that his head was kept locked in that position and that he had to submit to this treatment daily at about midday for about half an hour at a time, more or less, during a period of forty-two days. His finger-nails were pulled with pincers and his eyelids and eyelashes plucked. This happened to him in the Mount Carmel zone in Palestine. As a result of this treatment he lost his eyesight. Witness Mohamed Kheir Fayez Eid (A/AC.145/RT.11), Inspector of the Public Works Department of Quneitra, testified that he knew witness Sadaddin Kamal. He stated that he had recruited him into the service of the Quneitra municipality, that a month later Sadaddin Kamal was transferred to the Public Works Department as an usher or janitor and that his eyesight was normal. Doctor Ahmed Aziz (A/AC.145/RT.13), in corroboration of Sadaddin Kamal's evidence, said that he had him admitted to the Mushtahid Hospital in Damascus. Questioned by the Special Committee about the reason for the treatment he had received, Sadaddin Kamal said that it was by way of punishment for his refusal to perform forced labour. It is unlikely that this was the real reason, but the motive is irrelevant if the fact is established. The Special Committee is convinced of Mr. Kamal's credibility and has no doubt that he was blinded as a result of the ill-treatment to which he was subjected in the course of his detention.

80. Mr. Ahmed Khalifa's evidence (A/AC.145/RT.9) was particularly impressive because, when he testified before the Special Committee, he did not give the impression that he was moved by rancour towards his former captors. Despite his experiences he seemed to have retained his objectivity and sense of proportion. This was manifest in his description of his own ill-treatment and that of his fellow prisoners. Mr. Khalifa was released in February 1970 after being in prison

for two years and one month. He was kept in the Muscovite Prison in Jerusalem, in Ramleh Prison and Sarafand detention camp. His evidence, therefore, covers a rather long period and a number of prisons. He describes his being suspended by the wrists for prolonged periods in the Muscovite Prison, having dogs set on him in Sarafand and being severely beaten in all the prisons where he was detained. Mr. Khalifa also testified to what he had himself witnessed in these prisons. He makes reference to a number of cases, in particular, those of Mr. Abu El-Ajrami, Mr. Abdul Latif Dhaidt, Mr. Kassem Tamimi and Mr. Abu Rumeile.

81. The evidence of Mr. Nadim Zarou (A/AC.145/RT.17, 18 and 20), who was the Mayor of Ramallah at the time of the occupation, deserves special attention. He presented a written statement that appears in the record as document J-10, and supported it with oral testimony. He is a responsible citizen and attempted to intervene with the occupying forces to prevent the population of his village from being harassed and oppressed. He maintained that persecution and torture were deliberately employed by the occupying forces as political weapons to intimidate the population and to compel them to leave their country. He referred to this as a deliberate policy of the Israeli authorities executed by Col. David Brinn, Military Governor of Ramallah, with the endorsement of Gen. Moshe Dayan, Defence Minister of Israel. These statements, even if they come from responsible persons, must be subjected to the same careful scrutiny and the same norms of credibility as statements of any other witness. In the Special Committee's opinion, Nadim Zarou's evidence satisfied these tests and deserves credence.

82. Mr. Zarou referred to Muhammad Mustapha Ghanam, a labourer in the Amary Camp of UNRWA at Jalaza, who was summoned by Capt. Ilan and was given five days in which to decide whether he would collaborate with the occupation forces as an informer. He refused to do so and was tortured. An official of UNRWA, Mr. Castles,

described by Mr. ZARou as the Director of UNRWA, intervened at Mr. Zarou's instance and secured Muhammad Ghanam's release. Mr. Zarou stated that Mr. Castles gave Mr. Ghanam two months' leave with pay, after which he returned to work. He is said to have borne marks of beatings and dog bites, the result of a form of ill-treatment mentioned by many witnesses and said to have been practised by the occupying forces. Under this treatment dogs were let loose on prisoners who were bound and scarcely able to move. Mr. Zarou maintained that Mr. Castles had presented a report on this incident to the Director-General of UNRWA, Mr. Michelmore, for transmission to the United Nations in New York. The value of this statement is that it specifically mentions officials of UNRWA whose evidence has not been forthcoming for reasons of policy. The Special Committee feels that it is entitled to know whether or not such a report exists. Much more is at stake than Mr. Zarou's credibility as a witness, high enough though that stake is.

83. Mr. Zarou mentioned the trial of a lawyer, Beshir El Khairi of Ramallah, which took place four months after his arrest. During this trial, Beshir El Khairi is said to have stood up and shown the marks of the ill-treatment he had received during interrogation, and as a result of which he had lost the hearing of his right ear and also his virility. Medical reports of Jewish doctors who examined him in prison are said to have testified to his condition. Representatives of the International Committee of the Red Cross and of the Israeli Press had attended his trial. Beshir El Khairi's lawyers, Antol Jasser and Aziz Shehadeh, were said to have been asked by the Military Governor to persuade Beshir El Kahiri to withdraw his allegations of torture, in support of which he had cited certain witnesses, on the promise of withdrawal of the charges against him. Mr. Zarou stated that Beshir El Khairi had rejected this offer. At the time of the investigation of the Special Committee, he was said to be still in

Ramallah Prison.

84. Mr. Zarou was arrested on 1 October 1969, detained in prison for six days, and then expelled from the area. He stated in his evidence that he was in constant touch with Peter Sutherland of the United States Consulate in Jerusalem who, along with him, toured a few villages in the district of Ramallah, such as Deir Es-Sudan, Ajjoul, Karawa, Aboud and Deir Abou Misha'al. Mr. Zarou stated that one Easter Sunday Peter Sutherland visited several persons who had been tortured and as a result were suffering from paralysis, mutilated finger-nails and loss of hearing. Mr. Zarou had been shown a copy of Peter Sutherland's report, containing the names of these persons and the details of their torture. He naturally was not aware of the fate of that report, but it is worth recording that such a report is said to have been made.

85. The cruel treatment of Mr. Abu Mayaleh and his wife, Mrs. Abla Tahha (A/AC.145/RT.22), at the hands of the Israeli authorities has been established beyond any doubt and is now a matter of public record.

86. The case of Mr. Abu Rumeile also deserves attention. He did not appear before the Special Committee as he is allegedly confined in a mental hospital in Israel or in Israeli-occupied territory. However, the Special Committee received enough corroborative evidence to establish beyond reasonable doubt that Mr. Rumeile became insane as a result of the ill-treatment he received at the hands of his Israeli captors. His case was mentioned to the Special Committee by Mr. Khalifa (A/AC.145/RT.9), by a witness appearing in closed meeting (A/AC.145/RT.25) and in written communications forwarded to the Special Committee from within Israel by persons who have been closely involved with his case (see annex VII and its appendix).

87. Mr. Negib Mustapha el-Ahmed (A/AC.145/RT.19), fifty-year-old Palestinian of Jenin, formerly a Deputy in the Jordanian Parliament, stated that he had been held in prison for one year and fourteen days accused of passing military information to the Iraqi Ambassador and to Mr. Yassir Arafat, the leader of Al-Fatah. For twenty-seven days he was beaten every day. Those responsible for this treatment were all officers, a Major Yakoubi, a Major Baruch and a Major Manachem, as also Lieutenant Chaim, who seemed to have specialized in ill-treatment by boxing and kicking. The witness made special mention of the fact that he was not ill treated or tortured by any soldiers. Such ill-treatment as he received took place before he was brought to trial and extended over a period of two months. He was visited in prison by Mr. Conveir, a representative of the International Committee of the Red Cross, on 5 November 1968. Israeli intelligence officers were present throughout the interview and he had been warned of reprisals if he complained of having been subjected to any ill-treatment.

88. Mr. Ahmed stated that the International Committee's representative, Mr. Conveir, as well as his successor, visited him in prison. He could not, however, speak with him except in the presence of an Israeli officer.

89. Mr. Ahmed specifically referred to the case of Anwar Kamal Mustapha Khamis and sixty-three others who were arrested on 21 March 1968, on a charge of belonging to the fedayeen, and brought to Jenin Prison. They were subjected to torture and went on a hunger strike which lasted for five days. A Jewish doctor was brought in to feed them by force. The Israeli captors picked out fifteen of them, including Mustapha Khamis, and beat them with sticks. A policeman named Haim - a prison guard apparently - beat Khamis with a stick on his belly and head, causing profuse bleeding. Khamis died four hours later. An Arab doctor, who was a Government Medical Officer named Hafiz Saddar, was asked to issue a

certificate that death was due to illness. He refused to do so. The body was then transferred to Ramleh Prison and ultimately sent to Jordan through the International Committee's representative, Mr. Conveir. Mr. Ahmed and others brought the facts of this case and of many others to Mr. Conveir's notice.

90. Mr. Ahmed also mentioned the case of Moayyad Osman Bahsh of Nablus, twenty-two years old, who was arrested in mid-1967 after the cease-fire. He was taken to Sarafand Prison and tortured. The torture took the form of his being hanged by his feet from a wall, burnt with cigarette butts and given enemas of red pepper. He was hanged for sixteen hours at a stretch and beaten with rubber whips that had been reinforced with metal wire. As a result of this treatment his left hand became paralysed and later his entire left side up to his shoulder. He was taken before a military court and acquitted but he is still in gaol. Mr. Ahmed stated that the International Committee's representative, Mr. Conveir, had intervened but without avail. Osman Bahsh was brought to Nablus Infirmary. An international group headed by a tall Englishman visited him in gaol. Mr. Ahmed spoke with the Englishman. Presumably this was a group from Amnesty International, but that fact cannot be verified without reference to the organization.

91. Mr. Ahmed also mentioned the case of six Egyptian soldiers who had been lost in the Sinai Desert after the cease-fire. He met them in Nablus Prison where they were brought after being tortured in Sarafand Prison. The International Committee's representative, Mr. Conveir, and others met them. They had been captured on or about 1 January 1968. Mr. Ahmed repeats the story that they had been made to commit acts of homosexuality on one another. One of them, Muhamed Jad El Sayid, had his shoulder-blade broken by torture. One had tried to immolate himself by pouring kerosene on his body and setting fire to himself. Ahmed met them in Nablus Infirmary in January 1969.

92. The lurid story of being compelled to commit acts of homosexuality was repeated by four of these Egyptian soldiers, who were traced and who gave evidence before the Special Committee in Cairo (A/AC.145/RT.32 and RT.33/Add.1).

93. Mr. Ragheb Abdul Nasi Ahmed Abu Ras (A/AC.145/RT.20), twenty-five years old, of Bireh, was arrested on 11 October 1967, suspected of being a fedayeen, and then again arrested on 12 July 1968. The circumstances of his arrest on 11 October 1967, as described by him, were that an Israeli detail under Major Yakub Sapir entered his house, searched it and removed him under custody to the Ramallah Military Governor's office, where there were several intelligence officers, among them Major Ramy. Mr. Abu Ras stated that he was hanged by one of his arms from the ceiling of his cell with his feet dangling in the air just above floor level. He was beaten by Colonel Abu Zlika and was subjected to electric shock treatment. He stated that at Ramleh Prison he saw others who had been severely tortured, namely, Taysir Quba'a, As'ad El As'ad, Ishak El Maraghi and Dr. Abdel Aziz Shahir. Dr. Shahir was beaten so badly that he was given up for dead. Abu Ras with two others, namely, Hisham Sa'udi and Mahmud Jabir, was asked to carry out and wash him for burial.

94. Mr. Abu Ras stated that he was beaten daily for about twenty days. The persons responsible were mentioned by him as Major Elia, Major Koulsky and Major Zaki. He was taken to Sarafand Prison. He also described in detail the forms of torture he received: garbage was thrown at him; he was prevented from sleeping by being hanged by a chain round the waist; he was compelled to eat large quantities of heavily salted fish and then refused water for forty-eight hours, after which he was forced to drink water from his own urine pail; his finger-nails were extracted by forcing his fingers through door hinges and closing the door slowly

until blood spurted from his nails; he was stripped, his body sprinkled with water and he was then beaten. Another form of torture was to put a serpent on his body in a manner which he considered too obscene to describe. He was bound firmly to a chair and his head secured in a manner which prevented him from moving it. A can with a hole bored in its bottom was placed above his head and water poured into it so that it would drip on to his head steadily; every drop, he stated, being like the blow of a hammer. He maintained that all this ill-treatment was applied in an effort to get him to incriminate Professor Yakub Obedi.

95. Mr. Abu Ras stated that he was seen by a member of the Israeli Knesset, Mr. Emil Habibi, who was accompanied by lawyers Aly Rafi and Felicia Langer. They saw the torture marks on his body. Witness Abu Ras stated that Mr. Emil Habibi had raised his case in the Israeli Knesset and that the proceedings of the Knesset were published in *Al Ittihad* in one of its December 1968 issues. He also stated that Amnesty International had his medical reports and X-rays which were taken at the laboratory of Dr. Hassan Abdul. He was treated by Dr. Walid Bakir of Amman immediately after his arrival in Amman.

96. Mr. Youssef Muhammad Salahat (A/AC.145/RT.21), eighteen years old, student of the village of Far'ac in Talouza District, appeared before the Special Committee on the second day after his release from prison in Israeli occupied territory. His physical condition, attributed to the ill-treatment he received in prison, and his frank demeanour, left no doubt in the Special Committee's mind as to his veracity. He said that he was in Karamah in March 1968 when Israeli forces attacked it. The population was ordered to assemble in the local school ground where there were persons in disguise, who, the witness said, were collaborators and did not wish their identity to be known and who were asked to point out the persons who,

apparently, were suspected of being involved in the resistance. Some 250 persons were subjected to ill-treatment at Basra Camp (electric-chair and water-hose treatment). At Sarafand Prison they were chained to the wall by their hands and kept hanging in that position with their feet dangling above the floor. Witness Salahat mentioned the case of a greengrocer, Najah Muhammad Issa Khattab, who was buried alive right up to the neck and had salt stuffed into his mouth. Witness Salahat saw this treatment himself. He said that it was meted out to Khattab for about half an hour at a time. The case was taken up by the International Committee of the Red Cross and Najah Muhammad Issa Khattab was sent to Cairo and admitted to hospital. According to witness Salahat's reckoning, the incident had taken place about October 1969. This evidence is corroborated later on.

97. Witness Salahat stated that he had been released in April 1970, just before he gave evidence. He was released and sent to Jordan through the International Committee of the Red Cross. His physical condition was very poor and he could scarcely stand erect. At one stage, while giving evidence, he appeared to be on the verge of collapse. Witness Salahat said that he was allowed to see representatives of the International Committee at his request, though not always. He also said quite frankly that he was allowed to see them alone. He could not recall the days of their visits but indicated that they fell within the period of his imprisonment, that is between March 1968 and April 1970. He was allowed to see them in Jenin but not in Sarafand Prison or other places of torture which were out of bounds to the International Committee's representatives.

98. Mr. Suleiman Muhammad Sheikh-Eid (A/AC.145/RT.24), a thirty-seven-year-old tailor of Beersheba, stated that on 16 July 1970, six Israeli soldiers entered his house and accused him of being a terrorist. One soldier, on the order of his

officer, struck him with a meat axe on his head. He said that he lost his eye on the spot. The fingers of his right and left hands were crushed. He was sent to Shefa Hospital in Gaza and spent five months there. It is an Arab hospital and Arab doctors attended on him. They were Dr. Ahmed, Dr. Jihad and Dr. Rahman. On his discharge from the hospital, he was sent to prison where he was kept three months before being expelled to Amman. He was not able to get a medical report from the hospital. At the time of the incident, he was in what he and other witnesses called "X camp" in the Gaza Strip, an UNRWA establishment. There were UNRWA officials around at that time. Later on he discovered that about 600 houses (or huts) in the camp had been destroyed on the very day on which he had been assaulted by the Israeli soldier with the meat axe. He cited as UNRWA employees who were aware of the situation there, an UNRWA camp supply officer named Yussef Faragh, a Christian, and an UNRWA inspector of schools and sanitation, Audi Abu Adra, who was a Mukhtar.

99. The Special Committee observed that witness Sheikh-Eid had a vertical scar about an inch and a half long over his right eye, on his forehead, that his right eyeball was missing, and that the fingers of his right and left hands had been crushed. It was a case of horrible injury. The evidence is circumstantial and the allegations can be substantiated only by reference to hospital records and other witnesses.

100. Najeb Mohammed Issa El-Khattab (A/AC.145/RT.23), who was mentioned by witness Yussef Hafez Muhammad Salahat, stated in evidence that he was a greengrocer of Borj in Ramallah District. He was arrested at Karamah on 21 March 1968, taken to Sarafand, given serial number 372 and interrogated by an officer named Abu Moussa, whose name was mentioned by other witnesses as well. He was beaten, bound by his hands to the bars of a window with his feet dangling in the air above floor level, blindfolded

and had dogs unleashed on him. He was buried in a grave right up to his neck. He stated further that when he was in Jenin Prison officials of the International Committee of the Red Cross visited him. Prisoners who complained to the International Committee were Ahmed Rashid, Muhammad Abd Rahim, Jabr Shelbayeh, Abdel Majid Awad. They were taken to Ramleh.

101. Mr. Othman Abdul Hadj Al Aaraj (A/AC.145/RT.23) was living in the UNRWA camp at Shaffat at the time of the June 1967 hostilities. He presented a written statement which forms part of our record (J-55). On his release from prison, he was seen by Dr. Subhi Gosh at the UNRWA Shaffat Camp clinic. His case was taken up in the Israeli Knesset by Mr. Emil Tewfik Habibi and formed the subject of an article in the January 1969 publication of *Al Jihar*, described as a communist journal. He had been arrested on 1 May 1968. Lawyer Felicia Langer was retained by his family to institute proceedings for his release. On 17 September 1968, he was put on trial. Two medical reports on him, one from Dr. Subhi Gosh and the other from Dr. Jabr Al Aaraj of the French hospital in Jerusalem, were handed to lawyer Felicia Langer. Witness Al Aaraj confirmed the evidence regarding the imprisonment of Abla Taha and two other women, Sarah Judah and Luftia el Hawari, in a cell with a group of Israeli prostitutes.

102. Mr. Munir Abdullah Ghanam (A/AC.145/RT.23) was living in Nablus during the hostilities, was arrested on 20 October 1969 along with two others, Jihar and Ahmed, in a region called Shashaha south of Damiya Bridge. While he was in Ramleh Prison hospital he met Mahmoud El Halhuli of Halhul, who had lost one eye in action after June 1969 and stated that his other eye had been gouged out by his Israeli captors. Also in what he called the "X cell" in Ramleh, witness Ghanam had met Abd el-Allah Khaled Munir el Nabulsi and was with him for about a month. Witness Ghanam said that el Nabulsi suffered a nervous breakdown as a

result of the barbarous treatment he had received, and that Dr. Cohen, Israeli military physician in Ramleh, decided to transfer him to a ward for mental patients within the prison.

103. Dr. Kamal Gobriel (A/AC.145/RT.26), who at the time he gave evidence was attached to the Dar es Salaam Hospital in Cairo, stated that he was on the staff of El Arish Hospital, about 160 miles from Qantara, during and after the 1967 hostilities. Many cases of torture were sent to El Arish Hospital but they were not allowed to keep any records. Names of patients were registered in the hospital but the register is in Israeli hands. Dr. Gobriel stated that he had informed the representative of the International Committee of the Red Cross, Mr. Hunch, of the cases of torture that had come to his attention.

104. Mr. Mohammed Abdel Kadir Derbas (A/AC.145/RT.26) was a medical attendant at Dar El Shefah Hospital in Gaza when he was arrested on the second day after the hostilities and taken to Atlit Prison, where he spent four months. He described how Dr. Mordechai performed an operation to castrate him. When he recovered from the effects of the anaesthetic, his attention was drawn to the organs that had been removed from him in the course of the operation and which were displayed in front of his bed. This case is mentioned because witness Derbas was examined at the instance of the Special Working Group of Experts when they visited Cairo.

105. The allegation of serious ill-treatment of prisoners and detainees is also supported by the report of the investigation carried out by Amnesty International. The investigation was conducted inside the occupied territories and corroborates in detail the accounts of ill-treatment described by witnesses appearing before the Special Committee. On this subject, a member of the Executive Committee of Amnesty International, Mr. Arne Haaland, stated in an interview reported in the

Norwegian newspaper *Arbeiderbladet* on 4 April 1970:

We never claimed that the allegations about torture had been proved . . . but we have in our possession very extensive material to support the assumption that torture does in fact occur.

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We have rarely - if ever - had such reliable material on which to base the establishment of the fact in relation to torture taking place - or not taking place - in a particular country.

106. The Arab Red Cross and Red Crescent Societies presented a publication entitled "Violations of the Geneva Conventions of 1949" to the twenty-fourth International Conference of the Red Cross held at Istanbul, Turkey, in September 1969. This publication quotes reports of torture made by the International Committee of the Red Cross concerning, in particular, Hebron, Jenin and Tulkarm Prisons. In the report concerning the Hebron Prison, dated 31 October 1968, the delegate of the International Committee of the Red Cross is quoted as stating: "It came to light during our interviews with the prisoners that the treatment they received during interrogation was brutal." A number of prisoners who showed scars of brutal treatment were named by the delegates.

107. Another report concerning Nablus Prison, dated 26 February 1968, states:

A number of detainees have undergone torture during interrogation by the military police. According to the evidence, the torture took the following forms:

1. Suspension of the detainee by the hands and the simultaneous traction of his other members for hours at a time until he loses consciousness.
2. Burns with cigarette stubs.
3. Blows by rods on the genitals.
4. Tying up and blindfolding for days (in one case for seven days).
5. Bites by dogs.
6. Electric shocks at the temples, the mouth, the chest and testicles.

108. None of the reports quoted in this publication have been refuted and this, together with the evidence before the Special Committee, leads it to believe that there is, in several prisons, especially in Sarafand Camp, a regular practice of ill-treating inmates. Such ill-treatment is prohibited by the Universal Declaration of Human Rights in article 5, which states:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Articles 31 and 32 of the Fourth Geneva Convention expressly prohibit torture and ill-treatment.

109. The Special Committee received considerable evidence concerning persons in administrative detention. These persons are often detained without intimation of charges for indefinite and prolonged periods. A witness from Israel (A/AC.145/RT. 40 and 41) quoted what he described as official Israeli statistics according to which, at the end of May 1970, over 1,200 persons were being detained under administrative orders.

110. The Special Committee does not contest the right of the occupying Power as provided for in the Fourth Geneva Convention, to safeguard its security and, if necessary, to restrict the freedom of certain individuals who pose a threat to its security. However, the evidence before the Special Committee shows that this power is being abused in that it is exercised far too freely and that administrative detainees and ordinary prisoners are treated alike. Indeed, in the Special Committee's view, ordinary prisoners are, in theory at least, in a better position than administrative detainees, since they have the right to trial and would therefore be informed of the charges against them and benefit from whatever protection legal procedure might afford. The Security Instructions promulgated by the Israel Defence Forces in the occupied territories provide for the

establishment of an "Advisory Committee" with the following functions:

. . . to examine any appeal against an order made under this article and to submit its recommendations to the military commander concerning such appeal. If a person is detained under this article, the committee shall make a judgement on his detention at least once in six months, whether or not the detained person appeals to it.

In the Special Committee's opinion, this "Advisory Committee" does not afford the same protection as the ordinary courts, as the person concerned is at no point made aware of the charges against him. To speak of an "appeal" in such circumstances is therefore a self-evident contradiction.

111. The Special Committee is of the view, on the basis of the evidence before it, that the present procedures leading to administrative detention are unsatisfactory and in practice merely permit arbitrary arrest of persons and their detention for indefinite, prolonged periods.

(d) Ill-treatment of civilians

112. Several persons who were forcibly ejected from the villages in the Golan Heights testified as to their ill-treatment at the hands of the Israeli forces when they were being evicted from their homes and villages. In a number of cases it was stated that groups of individuals were picked out and summarily killed (A/AC.145/RT.12, 13, 14 and 15). Even allowing for the fact that this eviction took place immediately after the cease-fire and that it was carried out by troops still under the influence of military victory, such treatment of civilians, who were clearly not members of enemy forces, is inexcusable. The Special Committee is not in a position to verify these allegations of ill-treatment of civilians; however, the consistency of the accounts given by several witnesses leads the Committee to the conclusion that there were indeed a number of instances where civilians were treated with unnecessary severity.

113. Mr. Hussein Muhammad Maatouk (A/AC.145/RT.12) of Talaner District stated that after the fighting ceased there was confusion and panic; Israeli forces entered his village with bulldozers and demolished and destroyed everything, including cattle sheds and livestock. The village contained about 16,000 inhabitants. The witness gave three instances of indiscriminate destruction of lives or murder. The first instance was the case of four old women, some of them relatives of his, who perished when their homes were dynamited by Israeli forces. They were all in their eighties. The names of the victims as given by the witness were: Nimri Maatouk, Saada Sleiman, Lazha Khefes and Hamdi Hussein. In regard to the second instance, Mr. Maatouk mentioned that Israeli forces lined up about fifteen young men at about seven o'clock in the morning of the day of their entry into the village after the cease-fire had come into operation, and shot them in full view of the assembled villagers. This happened three days after the promulgation of the cease-fire. Mr. Maatouk gave the names of some of the victims as: Shehade el-Ali, Abdel Hamid el-Awad, Muhammed el Mahmud, Ali Barakat and his brother Hael Barakat; Hamdi Sharki, Nasr el-Hamud, Ahmed el Faur, Fadil Ibrahim, Sleiman Fandi of the Iban tribe, Yasim Muhammad of the Habur tribe and Muhammad el Attiya of the Kedaria tribe.

114. The third instance occurred when the villagers were being driven out of the occupied area at machine-gun point and were about one and a half kilometres from the border. At this point, according to Mr. Maatouk, about seven or eight persons of the group "broke ranks" and rushed to a water-point, and were shot by the Israeli troops. The names of the victims were: Hassan el-Khatib, Awad el Saleh, Muhammad Hussein Ali, Nayif el Meanel Muhammad Mahmoud, Khalid el-Dib, Muhammad Hussein Mustapha, Musa Ahmen Radwan, of the Iban tribe. Mr. Maatouk, questioned by the members of the Special Committee, stated that on reaching the cease-fire

line they were not met by any persons in authority nor did they have any contact with representatives of the International Committee of the Red Cross.

115. Mr. Mahmoud Nasr Fares (A/AC.145/RT.12) of the village of Almine stated that about twenty days after the fighting ceased, Israeli forces entered his village and destroyed the houses and crops. When villagers refused to abandon their cattle and property, four young men were selected and summarily shot. Among them was his brother Ali Nasr Fares. The other victims were Mahmoud Djasem Ahmed Hassan el Ali and Issa Mahmoud Khalil.

116. Mr. Ahmed Dawas (A/AC.145/RT.12), Mukhtar of the village of Massakieh near Bteiha, a village separated from Israeli territory by a river, spoke of the entry of Israeli forces into the village after the cease-fire, the stripping of their houses of all their furniture and contents, general looting, intimidation of the population and demolition of houses (in all 120 to 150), sometimes with the occupants in them. He named five such cases of very elderly persons, namely Matar Mahfouz, Shahada Omar, Salal el Brahim, Durfa Mahmoud and her invalid sister Nokha Mahmoud. Mr. Dawas stated that the villagers were driven out to Houran.

117. Miss Eisha Awad Hegazi (A/AC.145/RT.26), twenty years old, housewife living in El Arish at the time of the 1967 hostilities, stated that about two weeks after the war, a group of Israeli soldiers entered her house and started firing at random. They shot and killed her father, a man called Araby and Araby's daughter. She herself received gun-shot injuries in the arm and knee. After some delay, she was able to go to El Arish Hospital, where she was treated by Dr. Kamal Malik Gobriel (A/AC.145/RT.26), who has already been mentioned. At El Arish Hospital her arm was amputated. She was transferred from there, through the International Committee of the Red Cross, to Helwan Hospital in Cairo. Dr. Gobriel corroborated

Miss Hegazi's version and stated that the amputation was performed by Dr. Helmy Sadek.

118. Miss Kamilia Kamel Suleima El-Zerbawi (A/AC.145/RT.27), a sixteen-year-old student who was living in El Arish and left the area on 15 November 1967, stated that an Israeli detachment entered her house a few days after the hostilities and started firing at random. Her father, two cousins and her aunt's husband were killed. She sustained bullet wounds in her head, hands and feet. This incident occurred at about nine o'clock in the morning. Her two cousins who were killed were Namdour Mahmoud El-Zerbawi and twenty-year-old Numir. The persons injured were she herself, her father, her younger sister and one female cousin. Witness Kamilia El-Zerbawi stated that she was taken to El Arish Hospital the next day and the bullet was removed by Dr. Dafrawi. She remained in El Arish Hospital for fifteen days and was then transferred to Dar El Shefah Hospital in Gaza, where another operation was performed. The Special Committee noticed that she had a two-inch scar of an injury on the right side of the head above the ear, and also that her left hand and left leg were paralysed.

119. Dr. Mahmoud Suleiman Elbaik (A/AC.145/RT.27), forty years old, Director of the School Medical Association in El Arish at the time of the June 1967 hostilities, stated that he ran his own private clinic and was a medical officer attached to El Arish Hospital. Witness Kamilia Kamel Suleima El-Zerbawi was brought to the hospital with a fracture of the skull on the right side and was suffering from hemiplegia of the left limb, lower and upper, a paralytic condition forty-eight hours old and critical. Dr. Elbaik said that the surgeon, Dr. Dafrawi, examined Kamilia and operated on her for the fracture of the skull. The left hemiplegia was due to a depressed fracture on the right side of the skull.

120. Mr. Abdel Rahim Ali El Damarani (A/AC.145/RT.29), Headmaster of Mustapha Kamal School in El Arish, a primary school of about 600 pupils between the age of six and twelve years, stated that Israeli soldiers entered his house and fired at the occupants with machine-guns. Two of his children, sixteen-year-old Abdel Alvin Abdel Rahim and eleven-year-old Mahmoud Abdel Rahim, fell dead. His seventeen-year-old daughter, Soad Abdel Rahim, was also injured while his six-year-old son Mustapha was shot in the leg. This incident occurred at about 9 a.m. between 15 and 16 June 1967. He took the injured to El Arish Hospital and saw Dr. Gobriel and Dr. Onsi. An operation was performed on his daughter Soad for the amputation of her left arm at the shoulder by Dr. Sadek. The daughter Soad appeared before the Special Committee. Her left arm had been amputated at the shoulder. The son, Mustapha, was brought to the Special Committee and showed the mark of a bullet wound on the right leg. Dr. Gobriel corroborated the statement regarding the injury and stated that Dr. Sadek performed the amputation on Soad's arm.

121. Another case of ill-treatment of civilians to which the Committee would draw attention is that of Mr. Mansi Salama El Far, who was alleged to have been beaten, stoned and shot by Israeli soldiers in El Arish in September 1967. Mr. El Far is said to have subsequently died of his wounds. His colleague, Mr. Nagdi Hussein Gilbanah, was similarly ill-treated (A/AC.145/RT.30). This account was corroborated by several eyewitnesses including the father of Mr. El Far, who witnessed the incident (A/AC.145/RT.28), the mother, who was in the vicinity (A/AC.145/RT.30), and his cousin, who claims to have heard an account of the incident from two or three other persons who were eyewitnesses (A/AC.145/RT.34) and who testified before the Special Committee, including Dr. Mahmoud Soliman El Baik (A/AC.145/RT.27) of El Arish Hospital who treated the two young men. The Special Committee has no reason to reject these allegations.

122. The Special Committee would draw attention to part III, sections I and II, of the Fourth Geneva Convention, which lays down the norms for protection of civilians.

(e) Destruction and demolition of houses and buildings, confiscation and expropriation of property

123. The Special Committee heard several allegations of destruction of houses and buildings, expropriation and confiscation of property. These measures were alleged to be part of a deliberate policy of the Israeli authorities designed to demoralize the inhabitants of the occupied territories to the point of abandoning their homes. This aspect of the allegations has been dealt with in part C of this chapter.

124. The Committee received evidence concerning destruction of houses that took place in Jerusalem in order to clear certain areas. This was preceded by confiscation or expropriation of the land on which the houses were constructed. The destruction that went on in Jerusalem is now a matter of public record and the evidence brought before the Special Committee confirms the fact that this has taken place, that those responsible for this destruction are the Israeli authorities, and that the victims are the civilian Arab population of Jerusalem.

125. The Special Committee also heard repeated allegations concerning the systematic destruction of certain villages in the Golan Heights area. In this region the pattern that was followed usually started with concentrating the civilian population in a particular spot, herding them out of the village and destroying the village soon after, usually within sight of its inhabitants (A/AC.145/RT.12, Mr. Maatouk, village of Deir El Bteha; Mr. Dawwas, village of Massakieh; Mr. Nassif, village of Hafar; A/AC.145/RT.16, Mr. Ibrahim, villages of Derbahiya and Saiyada). The

destruction of these villages took place after the cease-fire and the Special Committee is of the opinion that the evidence tends to show that the eviction and demolition of this area were part of a policy designed to clear this part of the Golan Heights permanently of its civilian inhabitants.

126. The Special Committee recalls the mass destruction of the three villages in the Latrun area - Yalu, Emwas and Beit Nuba - which were completely razed to the ground and whose inhabitants were dispersed. The Government of Israel is said to have offered alternative accommodation to the inhabitants of these villages in another area, but the Special Committee has not been able to verify these reports. The Special Committee acknowledges that these reports, if correct, show that the Israeli authorities are aware of the problem created by this destruction. It strongly urges that these villages be rebuilt and that the inhabitants be allowed to return to their homes.

127. In the report of the Deputation to the Middle East of the National Council of Churches of Christ, United States of America (19-31 July 1968), it is stated on the subject of Yalu, Emwas and Beit Nuba:

. . . that there is no plan to rebuild the three villages or to return the inhabitants to their lands. No other example of so drastic an effort to change geography and political history was observed.

128. It appears to the Special Committee that in many instances destruction was unwarranted, as evidenced in the case of the village of Suris, which was completely wiped out at the opening of the hostilities of 1967. Suris had been the site of an ambush in which Israelis had been killed nineteen years earlier. Such acts of deferred vengeance cannot but produce unnecessary suffering and can only widen the gap between occupier and occupied.

129. Destruction of property is prohibited by article 53 of the Fourth Geneva Convention. Certain derogation clauses in other articles (inter alia, 5 and 53) make some exceptions to this prohibition. These exceptions are based on considerations of military necessity. The Special Committee is of the opinion that there is no question that with regard to the destruction of these three villages, refuge cannot be taken behind these exceptions.

130. The commentary on the Fourth Geneva Convention states the following with regard to article 54:

The occupying forces may . . . undertake the total or partial destruction of certain private or public property in the occupied territory when imperative military requirements so demand.

Furthermore, it will be for the occupying Power to judge the importance of such military requirements. It is therefore to be feared that bad faith in the application of the reservation may render the proposed safeguard valueless; for unscrupulous recourse to the clause concerning military necessity would allow the occupying Power to circumvent the prohibition set forth in the Convention.¹

131. The Special Committee considers that in the case of the three villages of Yalu, Beit Nuba and Emwas, Israel had "unscrupulous recourse" to military necessity in carrying out this wanton destruction.

(f) Looting and pillage

132. In his report to the Secretary-General, Mr. Nils Gussing, Special Representative appointed by the Secretary-General in implementation of Security Council resolution 237 (1967) of 14 June 1967, referring to the Golan Heights immediately after the hostilities of June 1967, stated that looting had taken place in some areas and, in particular, in Kuneitra.² Mr. Gussing stated in paragraph 33

1

Commentary: IV Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva, International Committee of the Red Cross, 1958), p. 302.

2

Official Records of the Security Council, Twenty-second Year, Supplement for October, November and December 1967, document S/8158, paras. 31-34.

of his report that:

. . . on the strength of reports received from different sources, the Special Representative felt reasonably sure that the responsibility for this extensive looting of the town of Kuneitra lay to a great extent with the Israel forces, and he expressed this view to the Israel officials accompanying him during his tour of the city.

133. The evidence heard by the Special Committee indicated that the villages of Talhamer, Almine, Derbahiya and Saiyada were the scene of widespread looting by Israeli forces (A/AC.145/RT.12, Mrs. Saleh, Mr. Fares, Mr. Dawwas; A/AC.145/RT.14, Mr. Zindaki, Mr. Kader; A/AC.145/RT.15, Mr. Awad; A/AC.145/RT.16, Mr. Ibrahim and Mr. Abu Lail). In addition to these cases, the Special Committee received evidence of similar incidents, most of which took place immediately after the cessation of hostilities and in connexion with the entry of troops into an area.

134. Article 33 of the Fourth Geneva Convention prohibits pillage and in this sense it may be said that there have been a number of violations of this provision of the Convention. The evidence before the Special Committee, however, does not justify the conclusion that it was the practice of the occupying Power to loot and pillage the occupied territories.

2. Allegations concerning institutions

(a) Policies and practices constituting interference with economic and social life and repugnant to religious susceptibility

135. Mr. Youssef Sayegh (A/AC.145/RT.10) testified before the Special Committee that the occupation was having a serious effect on the economic life of the territories. He alleged that such acts as collective punishment and destruction of homes were having an adverse effect on the economic life of the occupied territories.

136. It was alleged before the Special Committee that the occupation authorities had imposed the same taxes in the occupied territories as in Israel itself and that since the standard of living in the occupied territories was lower than in Israel, the inhabitants of these territories were unduly burdened. It was testified before the Special Committee that hotels in towns like Ramallah, which were flourishing before the occupation, were after the occupation no longer able to pay their own way (A/AC.145/RT.18, Zarou). In Gaza, the interference of the occupation authorities had virtually ruined the citrus fruit business (see reply of the United Arab Republic Government concerning Gaza in annex V to this report).

137. One witness, Mr. Gideon Weigert (A/AC.145/RT.37), testified that the economic situation in the occupied area had improved since the occupation and that the Israeli authorities had done much to better the conditions that existed in the occupied area before 1967.

138. The Special Committee is not in a position to determine the exact extent to which the occupation has affected the economic situation in the occupied territories as it had no opportunity of visiting the area. The evidence before the Special Committee, however, shows that the occupation had a disruptive effect on the economy of the occupied territories.

139. The Special Committee heard evidence concerning alleged interference with religious matters as well as allegations of practices offensive to the religious susceptibilities of the inhabitants of the occupied territories. Sheikh Abdul Hamid Es-Sayeh, Mufti of Jerusalem (A/AC.145/RT.17), informed the Special Committee that the occupation authorities had interfered in Moslem religious matters. Bishop Simaan, Roman Catholic Auxiliary Bishop and Vicar General for the Patriarch of Jerusalem and the East Bank, testified to instances of desecration

of holy places including the Church of the Holy Sepulchre. He also mentioned a case of looting of sacred figures and produced photographs to illustrate the acts of desecration and vandalism.

140. The evidence mentioned in the preceding paragraphs, together with the other allegations on the same subject made before the Special Committee, shows that there exists a distinct lack of respect for the religious susceptibilities of the inhabitants of the occupied territories.

141. The Special Committee also heard evidence concerning interference by the Israeli authorities in education matters. It has not been able to determine the exact nature of this interference, but it is aware that changes in curricula of the schools in the occupied areas were imposed. The Special Committee heard allegations of undue pressure being brought to bear on teachers. It notes that among those persons deported for alleged security reasons there are a number of teachers. The Special Committee is unable to state whether this interference with the curricula and the teachers in the occupied territories assumed alarming proportions, but it feels that proper steps should be taken without delay to regulate the education in the schools in the occupied territories in conformity with the provisions of the Fourth Geneva Convention (article 50).

(b) Interference with the judicial system, including legal aid

142. The Special Committee has examined the proclamations and orders promulgated by the occupation authorities in the occupied territories and finds that the Israeli authorities have seriously hampered the functioning of the court system by transferring the Court of Appeal in Jerusalem to Ramallah. This transfer provoked a reaction on the part of the judiciary that brought activities of the Court of Appeal to a standstill.

143. The Special Committee is concerned at the lack of legal assistance for persons who are in detention. It appears to the Committee that the only legal assistance that is available to persons accused of offences against security is rendered by one office, which has three or four lawyers working in it.

144. The Special Committee commends the work carried out by the members of this office. It could not help but note that the number of cases where legal assistance was needed far exceeded the resources of counsel available for this purpose.

IV. RECOMMENDATIONS

145. The Special Committee, having examined the evidence presented to it, has arrived at the conclusion, expressed in the preceding chapter, that the Government of Israel is pursuing in the occupied territories policies and practices which are in violation of the human rights of the population of those territories.

146. The Special Committee considers that in this case the fundamental violation of human rights lies in the very fact of occupation. The Committee therefore finds it almost impossible to separate the specific policies and practices applied to particular individuals, groups or areas from the broad context of the occupation itself. The ideal manner in which violations of human rights could cease would clearly be by the termination of the occupation itself. It must be recognized, however, that while the occupation lasts, the occupying Power has both a legal and a moral obligation to implement the Third and Fourth Geneva Conventions - an obligation which it voluntarily assumed and which it cannot avoid merely by declaring that the question is an "open" one.

147. The Special Committee has examined the existing arrangements for the enforcement of those Conventions and has come to the conclusion that they are totally inadequate. Under these arrangements, allegations that the provisions of the Conventions have been violated cannot be completely or exhaustively investigated, and it is possible for valuable evidence to be overlooked or even withheld. Such an investigation can be effective only if the Government concerned extends its full co-operation.

148. A primary difficulty affecting the implementation of the Geneva Conventions in this case is the absence of an effective Protecting Power. The Conventions assign certain functions to the Protecting Power, some of which have been assumed

in the present case by the International Committee of the Red Cross. But the Red Cross can hardly be expected to be as effective in this role as a true Protecting Power.

149. The International Committee of the Red Cross, despite its laudable efforts to provide humanitarian assistance, has not been authorized, staffed or equipped to deal adequately with allegations of violations of the Geneva Conventions, and is precluded by its own policies from publicizing the facts in such cases or from criticizing, even by implication, the Governments concerned. This is particularly true with regard to allegations of maltreatment of prisoners held under security regulations in Israel and in the occupied territories, to whom Red Cross officials have been denied access. Wide publicity to the results of investigations by an independent and impartial authority might at least ensure that the power of public opinion could provide some slight deterrent to persistent and continuing breaches of the Geneva Conventions.

150. For these reasons, the Special Committee has decided to propose an arrangement whereby the Third and Fourth Geneva Conventions will be enforced and commends this arrangement to the States concerned in the Middle East conflict for their acceptance.

151. The success of such an arrangement must depend on the willing admission by the States concerned of the principle of supervision by an independent authority and on their readiness to grant such an authority freedom of operation in the spirit of the Geneva Conventions. The first requirement is to have the Governments concerned carry out their obligations existing under the Geneva Conventions. Secondly, it is necessary that the Governments be prepared to respect the recommendations resulting from any investigation carried out in this context.

152. In the meantime, in order to spare the civilian population and the prisoners of war in the area of conflict in the Middle East further suffering, the weight of international public opinion should be brought to bear on the Government of Israel to apply forthwith the principles declared in Security Council resolution 242 (1967), and in conformity with that resolution to withdraw Israeli armed forces from the occupied territories and to bring the occupation to an end.

153. The Government of Israel should also be called upon to desist from practices and policies in violation of human rights, to prevent acts of violence and hostility directed against the population of the occupied territories and to observe without reservation the norms of humanitarian conduct recognized, established and ordained by the Third and Fourth Geneva Conventions and the Universal Declaration of Human Rights and which have received fresh endorsement in the International Covenant on Civil and Political Rights which is not yet in force.

154. The Government of Israel should further be requested by the General Assembly:

(a) To permit, unconditionally, all persons who fled the occupied territories, or who were deported or expelled therefrom, to return to their homes;

(b) To cease immediately, and to prevent, all policies and practices of collective punishment, such as the destruction of property, imposition of excessively harsh curfews and mass arrests;

(c) To make full compensation for property destroyed, and to effect restitution of property confiscated, in violation of the Fourth Geneva Convention;

(d) To cease immediately, and to prevent, the torture and ill-treatment of prisoners of war and of persons imprisoned or detained under the laws and regulations relating to the occupation, and to apply to all such categories of persons the provisions of the Third and Fourth Geneva Conventions and of the United Nations Minimum Rules for the Treatment of Prisoners;

(e) To bring to an end the indefinite and prolonged detention without trial of all persons, including those detained under security regulations and those under administrative detention, by releasing them or affording them a fair trial in accordance with the provisions of the Geneva Conventions;

(f) To reform the procedures and conditions of administrative detention in conformity with the relevant provisions of the Geneva Conventions;

(g) To refrain from attempts at compelling the inhabitants of the occupied territories to collaborate with the occupation authorities;

(h) To discontinue the policy of establishing Israeli settlements in the occupied territories, and to withdraw all Israeli settlers from settlements already established;

(i) To eliminate, and refrain from the creation of, social and economic conditions which result in the departure of the inhabitants of the occupied territories from their established homes and communities;

(j) To refrain from harassment and arbitrary deportation of leaders and intellectuals from among the inhabitants of the occupied territories;

(k) To rescind Israeli legislation in force in the occupied territories and which is repugnant to the provisions of the Third and Fourth Geneva Conventions;

(l) To repeal all measures taken to alter the status of occupied Jerusalem and to restore it to the status subsisting before the outbreak of hostilities;

(m) To restore the judicial system in the occupied territories to the status which it enjoyed before the occupation and in particular to return the Court of Appeal of Jerusalem to its seat in Jerusalem;

(n) To investigate all the allegations brought to the notice of the Committee concerning ill-treatment of civilians and detainees, particularly those persons detained under security regulations, access to whom is denied to Red Cross officials, and those purportedly held under administrative detention, and to take appropriate remedial measures.

155. Without prejudice to the recommendations made above, and having regard to the existing political attitudes of the parties to the conflict vis-a-vis one another, the Special Committee, having in mind the urgent need for providing a workable mechanism to ensure the safeguarding of the human rights of the population of the occupied territories, proposes as a temporary practical measure that the General Assembly recommend to the States whose territory is occupied by Israel that they appoint immediately either a neutral State or States, or an international organization which offers all guarantees of impartiality and effectiveness, to safeguard the human rights of the population of the occupied territories. In the special circumstances prevailing in the occupied territories where there is a large population which has not yet been given the opportunity of exercising its right of self-determination, it is necessary to make suitable arrangements for the proper representation of their interests. The Special Committee recommends that the General Assembly take this fact into account in implementing this recommendation. In the spirit of the Geneva Conventions, which require that any such arrangement be acceptable to all parties concerned, the Special Committee would recommend that a neutral State or organization, nominated by Israel, be associated in this arrangement. The Special Committee further proposes that the General Assembly call upon Israel to accept such an arrangement and to provide all the facilities necessary for its effective functioning consistent with the provisions of the Third and Fourth Geneva Conventions. The State or States or international organization duly nominated under this arrangement might be authorized to undertake the following activities:

(a) To secure the scrupulous implementation of the provisions relating to human rights contained in the Third and Fourth Geneva Conventions, and in particular to investigate and determine the facts in the case of allegations of the violations of the human rights provisions of those Conventions or of

other applicable international instruments;

(b) To ensure that the population of the occupied territories is treated in accordance with the applicable law;

(c) To report to the States concerned, and to the General Assembly of the United Nations, on its work.

156. The Special Committee feels that until such an arrangement is made, it should continue its work. For this purpose the Committee would require certain facilities to enable it to keep abreast of developments in the occupied territories which have a bearing on the protection of the human rights of the population of those territories, to conduct studies of relevant developments as they occur, and, if necessary, to return to the Middle East for further work in execution of its mandate.

V. ADOPTION OF THE REPORT

157. Approved and signed by the Special Committee in accordance with rule 20 of its rules of procedure as follows:

(Signed) H.S. AMERASINGHE (Ceylon)

Chairman

(Signed) A.A. FARAH (Somalia)

(Signed) B. BOHTE (Yugoslavia)

[Annexes not Reproduced]

2. Report of the Special Committee To Investigate Israeli Practices
Affecting the Human Rights of the Population of the Occupied
Territories¹

October 5, 1971

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United Nations, General Assembly, Twenty-sixth Session, Oct. 5, 1971,
*Report of the Special Committee To Investigate Israeli Practices
Affecting the Human Rights of the Population of the Occupied Territories*,
A/8389, pp. 23-61. Part I of the Report ("Organization of the Work of the
Special Committee") and the Annexes are not reproduced here.

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II. MANDATE OF THE SPECIAL COMMITTEE

33. The first report of the Special Committee to the Secretary-General (A/8089, chapter II) contains its interpretation of its mandate as laid down in the relevant General Assembly resolutions and in other international instruments. The Special Committee reiterates the interpretation it gave to its mandate in that report, and has conducted its second mission in strict accordance with that interpretation.

34. The Special Committee finds further confirmation of the validity of this interpretation in the spirit and the text of the Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations (adopted by the General Assembly on 24 October 1970 at its 1883rd plenary meeting - resolution 2627 (XXV)) and would draw special attention to the following passage from paragraph 8 of this Declaration, which states:

The United Nations has endeavoured in its first twenty-five years to further the Charter objectives of promoting respect for, and observance of, human rights and fundamental freedoms for all. The international conventions and declarations concluded under its auspices give expression to the moral conscience of mankind and represent humanitarian standards for all members of the international community. The Universal Declaration of Human Rights, the International Covenants on Human Rights, . . . constitute a landmark in international co-operation and in the recognition and protection of the rights of every individual without any distinction.

III. ANALYSIS OF EVIDENCE

35. During 1970, the Special Committee received oral and written testimony which served as a basis for its report to the Secretary-General (A/8089). In order to determine the measures necessary for the effective discharge of its renewed mandate in General Assembly resolution 2727 (XXV), the Special Committee addressed letters to the Governments of Israel, Jordan, Lebanon, Syria and the United Arab Republic requesting further information as well as information on certain cases that had been brought to the attention of the Special Committee during 1970 (see paras. 8 to 13 above). The Government of Israel had indicated through its representative on the Third Committee, in the course of the debate on the item "Respect for human rights in armed conflicts" at the twenty-fifth session of the General Assembly, that it had in its possession information in rebuttal of the allegations which had been brought before the Special Committee, in particular those relating to ill-treatment of prisoners (A/AC.3/SR.1782, pp. 15-17). The representative of Israel in the Third Committee had made specific reference to the case of Mr. Mohammad Derbas, who had stated in evidence before the Special Committee in Cairo in April 1970 that he had been castrated by surgery by an Israeli surgeon while in Israeli custody in Atlit Prison on or about 15 July 1967. In its letter to the Government of Israel on 20 February 1971, the Special Committee referred to the statement that had been made by the Israeli representative in the Third Committee at its 1782nd meeting that his Government had in its possession a medical report of 28 July 1966 by Professor Mohammed Sa Fawat to the effect that the same operation had already been performed by that date. The Special Committee invited the Government of Israel to make available to the Special Committee all evidence in its possession concerning Mr. Derbas, as well as those cases referred to in the report of the Special Committee (see para. 9 above). The Special Committee also addressed a

request to the United Arab Republic for information regarding the whereabouts of Professor Mohammad Sa Fawat. The Government of Israel has not so far furnished to the Special Committee the information in rebuttal that it claimed to possess, nor has the Special Committee been able to trace the whereabouts of Professor Mohammad Sa Fawat (see also para. 65 below).

36. The Special Committee sought to hear persons who had been mentioned by witnesses who had appeared before it during 1970, as such evidence would have been of value as corroboration and would have contributed to a conclusive assessment of the allegations that had been made before it, especially those concerning ill-treatment while under detention. For this purpose, so far as allegations of ill-treatment of individuals were concerned, the Special Committee set itself the task of hearing evidence of a qualitative and corroborative nature rather than accumulating more allegations in addition to those that it had heard during 1970. The Special Committee stressed the need for documentary evidence, especially in the form of medical reports, concerning previous testimony.

37. In the oral evidence given before the Special Committee this year, several allegations were made of forcible expulsion or deportation, ill-treatment while under detention, and demolition of houses. Other evidence collected by the Special Committee also concerned these allegations as well as allegations regarding the policy of annexation and settlement of the occupied territories through expropriation, establishment of Israeli settlements, coupled with deportation and denial of the right to return of those inhabitants of the occupied territories who had left these territories. This evidence is analysed in this chapter (paras. 44 to 71 below).

38. The Special Committee took note of the allegations made in letters addressed

to the Secretary-General of the United Nations and the President of the Security Council by the Permanent Representatives of Jordan, Syria and the United Arab Republic, which were published as documents of the Security Council and the General Assembly. Many of these allegations were brought to the attention of the Special Committee on the specific request of the Government concerned. The Special Committee at the same time took note of the Government of Israel's replies to these allegations which also appeared as Security Council and General Assembly documents.

39. The allegations made in these letters concern, mainly, deportation of individuals, establishment of Israeli settlements in the occupied territories, brutality by the Border Police in Gaza during the beginning of 1971, Israeli measures taken in Jerusalem and confiscation of land, as well as drastic changes in the physical character and demographic composition of the occupied territories. The documents in which the letters are reproduced are listed in annex I to this report.

40. In addition to the above, the Special Committee has taken note of the discussions in the Special Political Committee during the twenty-fifth session of the General Assembly (A/SPC/SR.744-751), reports of the debates in the Commission on Human Rights at its twenty-seventh session on the question of violation of human rights in the occupied territories in the Middle East (E/CN.4/SR.1115-1120) and Commission on Human Rights resolution 9 (XXVII), where reference is made to the report of the Special Committee.

41. The Special Committee had before it a number of written communications from organizations and individuals in which violations of human rights were alleged. Among these are reports in Israeli and Arab newspapers concerning various aspects of violations of human rights in the occupied territories, and submissions by

religious authorities on other aspects of the occupation.

42. The Special Committee was shown a documentary film made inside the occupied territories. The Special Committee had no reasonable grounds for questioning the authenticity of the film. It supplemented in visual form the evidence received by the Special Committee of the situation in the occupied territories, particularly as regards the establishment of Israeli settlements, the eradication of Arab villages and the state of feeling among both Arabs and Israelis in the occupied territories. The sound track of the film purported to record statements by Arabs and Israelis, both leaders and members of the public, made in the course of interviews by the producers of the film and giving their version of the occupation.

43. The Special Committee's mandate is to investigate Israeli policies and practices affecting the human rights of the population of the occupied territories. Bearing this in mind, the Special Committee has analysed the evidence before it in the following manner: it has first sought to assess, according to the criterion of reasonable doubt, the value of the individual allegations and, once this was established, it has sought to determine whether they reflect a policy or a practice affecting human rights. In some cases, the evidence as a whole reveals a clear pattern of policy. For example, the scale on which Israeli settlements are being established in the occupied territories, taken in conjunction with deportations and the refusal to repatriate any significant or substantial number of the inhabitants of the territories who had left these territories due to the 1967 hostilities, is sufficient to warrant the conclusion that the Government of Israel has adopted a policy of annexation which would deprive the persons concerned of their fundamental right to return or frustrate the exercise of that right.

A. Allegations of annexation and settlement

44. The evidence, including testimony before the Special Committee regarding annexation and settlement, supports the allegation that the Government of Israel is following a policy of annexing and settling occupied territories in a manner calculated to exclude all possibility of restitution to lawful ownership. In the view of the Special Committee evidence of annexation is stronger with respect to some areas, such as Jerusalem, while in others occupied as a result of the hostilities of June 1967 the evidence justifies the conclusion that, irrespective of the ultimate objectives of Israel's policy, the Government of Israel is engaged in practices constituting a violation of human rights.

45. The distinction between annexation of conquered territory and occupation of territory in wartime is clarified in the following passage in the Commentary published by the International Committee of the Red Cross on the Fourth Geneva Convention:¹

As was emphasized in the commentary on Article 4, the occupation of territory in wartime is essentially a temporary, de facto situation, which deprives the occupied Power of neither its statehood nor its sovereignty; it merely interferes with its power to exercise its rights. That is what distinguishes occupation from annexation, whereby the Occupying Power acquires all or part of the occupied territory and incorporates it in its own territory.²

Consequently occupation as a result of war, while representing actual possession to all appearances, cannot imply any right whatsoever to dispose of territory. As long as hostilities continue the Occupying Power cannot therefore annex the occupied territory, even if it occupies the whole of the territory concerned. A decision

1

The Geneva Conventions of 12 August 1949, Commentary on the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (International Committee of the Red Cross, Geneva, 1958, pp. 275 and 276.

2

The annexing State "succeeds" to all the sovereign rights of the dismembered State in the territory annexed.

on that point can only be reached in the peace treaty. That is a universally recognized rule which is endorsed by jurists and confirmed by numerous rulings of international and national courts.

.

A fundamental principle emerges from the foregoing considerations; an Occupying Power continues to be bound to apply the Convention as a whole even when, in disregard of the rules of international law, it claims during a conflict to have annexed all or part of an occupied territory. . . .

46. The Special Committee reaffirms the validity of this proposition. It would furthermore reiterate that every attempt on the part of the Government of Israel at carrying out a policy of annexation and settlement amounts to a denial of the fundamental human rights of the local inhabitants, in particular the right of self-determination and the right to retain their homeland, and a repudiation by the Government of Israel of accepted norms of international law.

47. The following facts tend to support the conclusion that it is the Government of Israel's policy to annex and settle the occupied territories:

(a) The existence, in the Government of Israel, of a "Ministerial Committee for Settlement of the Territories."

(b) Express pronouncements to this effect by Israeli Ministers and leaders;

(c) A memorandum presented on 8 July 1971 to the Special Committee by Mr. Rouhi El-Khatib, Mayor of Jerusalem at the time of the June 1967 hostilities, the facts of which are confirmed by other evidence;

(d) Uncontradicted reports, appearing in the information media, of the planned establishment of Israeli settlements in the occupied territories;

(e) Allegations, as yet unrefuted but consistent with other facts, and contained in several letters addressed by the Governments of Jordan and Syria, concerning measures by the Government of Israel in violation of the human rights of the persons living in occupied territories;

(f) The absence of any serious attempt at repatriation of the refugees to their homes in the occupied territories;

(g) The mass expulsion and continued deportation of individuals from the occupied territories;

(h) The continued transfer of the population of the occupied territories to other areas within the occupied territories.

48. The Special Committee will now deal with the evidence cited in the preceding paragraph.

(a) The existence, in the Government of Israel, of a "Ministerial Committee for Settlement of the Territories"

The Chairman of this committee is Mr. Israel Galili, Minister without Portfolio, referred to in the *Jerusalem Post* on 3 January 1971. In the view of the Special Committee, the very existence of such a committee headed by a person of ministerial rank shows, beyond doubt, that it is a policy of the Government to settle the territories occupied as a result of the hostilities of June 1967.

(b) Express pronouncements by Israeli Ministers and leaders

Some of these statements, even when made by Israeli Ministers and leaders, purport to be personal opinions while others have been made by private individuals who have no official standing in the Government of Israel. On the other hand, their general tenor, the frequency with which they have been repeated and the various measures adopted by the Government of Israel, such as establishment of settlements, justify in the Special Committee's opinion the conclusion that these statements are a faithful reflection of official Israeli policy.

The following are statements of special significance:

(i) A statement by Housing Minister Ze'ev Sharef on 18 February 1971, broadcast on television and reported in the *Jerusalem Post* on 19 February 1971, that the Government of Israel would not bow to international pressures to halt the building of housing developments across the cease-fire line in Jerusalem. In the same report the Minister is reported as saying that these housing developments are taking place on expropriated lands.

(ii) A statement by a spokesman for the Jewish National Fund, reported in

the *Jerusalem Post* on 5 April 1971, according to whom the Fund had been purchasing land in the occupied territories for the past two years. The areas mentioned include Nebi Samwil, Jerusalem and the Etzion Bloc.

(iii) A report in the *Jerusalem Post* of 21 March 1971 summarizing a statement by former Minister of Transport and present Chairman of the Herut Executive, Ezra Weizman, in a television interview, that "according to Mr. Weizman, the Jordan River would make the best eastern border for Israel; Judaea and Samaria (the West Bank) must remain under Israeli control; Sharm e-Sheikh is vital for the aerial protection of Israel; and whoever controls northern Sinai... controls the security of Israel."

(iv) A statement by Deputy Prime Minister Yigal Allon, as reported in the *Jerusalem Post* on 8 March 1971, in which expressing his own personal opinion, he "called for urban, rather than agricultural settlements within the administered areas [since] . . . urban settlements would bring more people to the areas than would farming communities."

(v) A statement by Defence Minister Moshe Dayan in a report, appearing in the *Jerusalem Post* on 7 January 1971, of an address to students of Haifa University and the Technion to the effect that:

We are able to turn [the 200,000 refugees in Gaza] into full-fledged citizens. We must establish Jewish settlements in the Strip, turn the sand dunes into fertile farming land, integrate them into our economy, give them jobs, health services and education, and give Israeli citizenship to all who want it.

(vi) A statement made by Defence Minister Moshe Dayan on 19 August 1971 (subsequently described as an expression of Mr. Dayan's personal views), reported in the *Jerusalem Post* on 20 August 1971, in which Mr. Dayan calls for "emphasis [to] be put on [Israel's] taking unilateral and immediate measures" in the occupied territories. Mr. Dayan is reported as having stated, "We should

regard our role also in the administered territories as that of the established government - to plan and implement whatever can be done without leaving 'options open' for the day of peace - which may be distant." On 27 August 1971 the *Jerusalem Post* reported a broadcast interview with Mr. Moshe Dayan in which he sought to clarify the remarks made in the statement referred to above. In this interview Mr. Dayan is reported as stating that "after an arrangement we will also remain in most of the areas: the Golan Heights, and the West Bank." Mr. Dayan called for Israelis to "devote [their] best efforts to these areas." Referring to the refugee problem in the Gaza Strip, Mr. Dayan stated:

What we can do, should do, and are doing in the Gaza Strip is solving the problem of the human status of the refugees. . . . When they are working and earning a decent wage, their standard of living will rise. The style of their housing has to be changed, so that they will live in quarters fit for human beings

At this time, we can't change the formal status of the refugees But we can do, and are doing, something about changing their human situation, about removing the stigma of 'refugeeism' from them - the stigma of living on charity and in miserable conditions. . . . This we can change - humanly speaking to remove them from refugee status and transform them into working people.

.

I do not propose annexation, and I do not suggest that we alter the citizenship status of the inhabitants of the Gaza Strip and the West Bank. These are formal matters. What I am speaking of is the content of their lives, and not their formal status. What I suggest is that we do our best - and I am very glad that that is what they wish, too.

They are ready to come out of the camps and go to work, to live as human beings. Let's do this much, and not worry about their documents, their passports, their Refugee Cards.

.

I don't see any reason that we should expel the Arab residents of Hebron, just as I cannot imagine that it should be prohibited for Jews to settle permanently - within the framework of the status to be ultimately agreed upon - anywhere at all in the West Bank.

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But until there is a peace settlement, I think that there has to be 'unilateral action.'

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And we should long since have been establishing settlements.

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I don't think that can be a basis for dialogue. I don't think that we ought to leave in their hands the decision about the future of the areas between the Jordan River, the mountains and Little Israel.

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But beyond that, in the sphere of day-to-day life, I am in favour of trying as hard as possible to achieve dialogue with them, and to give them as much autonomy as possible, on the communal-life level, in matters of education . . . and in our common life with them.

(vii) A statement by the President of Israel, Dr. Shazar, speaking at the opening ceremony of the twentieth anniversary celebrations of the Jewish National Fund on 12 January 1971 (reported in the *Jerusalem Post* on 13 January 1971) that "the Jewish National Fund's work in preparing land in the Golan Heights for settlement strengthens our firm determination that the Golan remain in Israeli territory."

(viii) A statement by Deputy Prime Minister Yigal Allon in the Knesset on 2 December 1970 (reported in the *Jerusalem Post* on 3 December 1970) in the course of a debate on a motion on "the establishment of Jewish suburbs in cities" in the occupied territories, that he was in opposition to the establishment of such suburbs because of political and other reasons. Mr. Allon is reported as stating that the Government of Israel pursued a "realistic policy based on Middle East and International political possibilities." He is also reported as stating that the Government had already decided on the establishment of a further four Nahal

settlements and of a semi-urban settlement; on the sequestration of 11,400 dunams of land of East Jerusalem and southwards for the setting up of residential areas for both Jews and Arabs; as well as development of a Jewish Quarter at Hebron. In the course of the debate reference was also made to what are referred to as "Basic Principles," as endorsed by the Labour Party, National Religious Party and Gahal. According to Mr. M. Begin, who was presenting the motion which was the subject of this discussion, these "Basic Principles" called for the "acceleration of permanent settlement, rural and urban, on the soil of the Homeland." The same report cites the Deputy Prime Minister, Mr. Allon, as stating with reference to Mr. Begin's remarks on the historical rights to the Land of Israel, that this was the moral basis for the renaissance of the Jewish State, but "historiographical or theological absolutes cannot replace policy. The future map of Israel, in the framework of a peace treaty, was to be founded on historical rights as the moral basis, defensible borders as a security basis, a Jewish and Democratic State as national and social basis."

The report makes further reference to the statement of Mr. Begin during this debate. The report states:

Mr. Begin, presenting his motion, said experience had proved there was no reason why Jew and Arab could not live, work, trade and send their children to schools together. It would be good for peace, security and understanding between the people, he said. No people in history had suffered as much as Israel on behalf of its land. He said a recent 'non-sensical' decision of the United Nations General Assembly made out as though Israel were depriving someone (Palestine Arabs) of self-determination. Israel's rights were solely over this Land, while the Arabs had fourteen sovereign States. 'We liberated the city of the Land of Israel, and there is no reason why Jews should not live in Jericho, Hebron, Bethlehem, Shechem, Tulkarm and Ramallah.'

At the heart of the Middle East problem is the "Homeland doctrine" enunciated by the Government of Israel and supported by the Opposition. According

to this doctrine even the United Nations resolution on the partition of Palestine and the creation of the State of Israel did not restore to the Jewish people what they were convinced was their territory. The State of Israel as created by the United Nations has expanded territorially from time to time; according to the Government of Israel, this expansion has been justified by considerations of security. The Special Committee finds it difficult to reconcile this claim with pronouncements by Israeli leaders, proclaiming a faith and belief in what are asserted to be the ancient boundaries of the Land of Israel. Against such a strongly held belief international law or even the norms of international conduct can prove of no avail. In any event the Special Committee is unable to accept any argument whereby considerations of security may be invoked to depopulate occupied territories, to deprive hundreds of thousands of persons of their ancestral home, and somehow sought to be justified on the ground that there exist 14 Arab States that are in their opinion required to receive them.

In light of the declared policy of the Government of Israel as expressed categorically by Israeli leaders, the Special Committee has no doubt that the policy of annexation and settlement is dictated by considerations alien to those of national security. No such considerations, however, would in any event offer the least justification for measures that are contrary to the provisions of the Fourth Geneva Convention.

Defence Minister Moshe Dayan's avowed purpose, as quoted in item (v) above, of transforming sand dunes into fertile farming land and providing jobs, health services and education would be an admirable and imaginative policy if it were consistent with the provisions of the Fourth Geneva Convention. Even the best of policies are not warranted if they are founded on injustice and if they follow on forcible acquisition

of territory and confiscation of property by an occupying Power which has no title other than the unrecognized and inadmissible title of conquest. The same observation applies to Mr. Dayan's statements referred to in (vi) above.

(c) A memorandum presented to the Special Committee by Mr. Rouhi El-Khatib, Mayor of Jerusalem at the time of the June 1967 hostilities

Mr. El-Khatib maintains that he is still the de jure holder of the office of Mayor. This memorandum contains further statements regarding alleged violations of human rights in Jerusalem committed in the period between 16 April 1970 and 30 June 1971. The memorandum classifies these alleged violations as follows:

(i) "Evacuation of Arabs from (occupied) Jerusalem"

The memorandum quotes a statement by Mayor T. Kollek, announced on Israeli radio and reported in *the Jerusalem Post* on 17 May 1971, according to which over 4,000 Arabs have been evacuated from their homes in Jerusalem since 1967. The memorandum states that Arab sources in Jerusalem reveal that around 70 per cent of these persons were evicted from their homes last year, including more than 200 from the village of Nebi Samwil, a northern Arab suburb of Jerusalem. The memorandum adds that the Minister of Defence ordered the bulldozing of 52 houses on 22 March 1971, in Nebi Samwil. The demolition of 46 of these houses was reported in *Ha'aretz* on 21 June 1971.

(ii) "Expropriation of more Arab lands in (occupied) Jerusalem"

The memorandum quotes the Israeli *Official Gazette* No. 1656 of 30 August 1970 according to which the Israeli Minister of Finance, Mr. Pinhas Sapir, ordered the expropriation of Arab lands in and around Jerusalem. According to the memorandum the total area of the new land expropriated under this order is 11,680 dunams, the equivalent of 2,920 acres. The memorandum also states that these lands belong to

over 10,000 Arabs in seven villages around Jerusalem who are mainly dependent for their livelihood on the income derived either through their work in plants in these areas or in cultivating some of this land. It states that the people concerned are liable to suffer evacuation in the same way as the inhabitants of the village of Nebi Samwil, which was bulldozed on 22 March 1971.

(iii) "More threats to the Arab population from continuation of illegal Israeli archaeological excavations around the walls of Al-Aqsa Mosque"

The memorandum states that the "Osmani School Mosque", near the Western Wall in Jerusalem, has cracked because of excavations being carried out under it by an archaeological team from the Israeli Ministry of Religions. These excavations have so far extended through the basement of over 20 large Arab religious, cultural or residential buildings inhabited by no less than 300 persons, connected to another 80 buildings accommodating an additional 700 persons. The memorandum states that these buildings too are in danger of demolition and their inhabitants in danger of dispersion, in the same manner as the 4,000 evacuees referred to by Mayor Kollek on 17 May 1971. The memorandum alleges that these acts are in defiance of a UNESCO resolution adopted on 10 October 1969 [E.B.4.3.1].

(iv) "Arab human rights threatened by the new master plan for Jerusalem"

The memorandum refers to the new master plan for Jerusalem, announced by Mayor Kollek in December 1970, and states that the master plan calls for the expansion of the area of Jerusalem to eight times its present size to include three Arab cities and 23 Arab villages, which house altogether more than 100,000 Arab inhabitants.

(v) "Israeli housing and industrial projects on the confiscated Arab lands lead to mass exodus of Arab population from Jerusalem"

The memorandum makes reference to a statement made by Mr. Z. Sharef, Israeli Minister of Housing, on 15 February 1971, in which the Minister announced the new Israeli settlements which will be constructed on the hillside confiscated from

Arabs in and around Jerusalem. The memorandum also makes reference to a report in *Ha'aretz* on 9 March 1971 to the effect that the Hebrew University in Jerusalem was planning two large building projects on the Mount of Olives, to be completed by the end of 1980. The same newspaper, according to the memorandum, reported on 6 July 1970 that 13 Israeli hotels, with 4,200 rooms, were planned for Jerusalem before the end of 1975. According to the memorandum seven of these hotels will be built on confiscated Arab land. The memorandum also makes reference to a report appearing in *Ha'aretz* on 19 February 1971, according to which 30 new Israeli industrial projects are to be set up on Arab confiscated land near Jerusalem Airport, and the zones planned will absorb 100 new Jewish industrial projects. The memorandum maintains that these measures are being taken in accordance with the policy enunciated by Mr. Sharef on 15 February 1971, which is "to settle new immigrants as quickly as possible in order to keep Jerusalem [a Jewish city]." The memorandum claims that this policy is tantamount to plundering the land from their original proprietors by force and under different illegal measures and on "false pretences." It states further that the aim of this policy is to clear these persons from their land and to group all in an Arab ghetto, as has already been done in Jaffa, Acre, Haifa, Nazereth and other Palestinian Arab cities taken in 1948. The memorandum states that the primary aim is to force the remaining Arabs into a "third mass Exodus," as has already been done during and after the two wars of 1948 and 1967. Under these circumstances, the memorandum states, "the Israeli military occupation is not observing the human rights of the Arab population in the occupied territories."

(vi) "The new challenge of compensation"

The memorandum makes reference to a "recent statement" made on 29 June 1971 by Mr. Shapiro, Israeli Minister of Justice, according to which the Israeli Government announced its policy to compensate Jerusalem Arabs for properties

confiscated after 1948. It may be noted that the fact of confiscation is admitted. The memorandum makes reference to the "Law and Administration Ordinance, 1968." Under article 5 of that law, immovable property owned by Jews, which the Jordanian Government administered between 1948 and 1967, shall be released to the original owners or their heirs. The memorandum points out that the same law does not release Jerusalem Arab property confiscated under the Israeli Absentees Law of 1950, and maintains that it constitutes a form of racial discrimination. It refers to General Assembly resolution 194 (III) of 11 December 1948, which defines the occupying authorities' obligations with respect to evacuation, repatriation of Palestine refugees, restitution of their property and payment of compensation in lieu of return and restitution. The memorandum states that the policy of compensation denies the human right of Jerusalem Arabs to return to their homes. It points to a "most absurd contradiction," since, on the one hand, the Government of Israel claims a right to return "to the land of their alleged ancestors of 2,000 years ago, while on the other hand, they are denying to Jerusalem Arab refugees - who are part of the Palestine Arab refugees - their natural right to return to their own homes." The memorandum states that "the compensation offered will be limited to nearly one third of the main population, namely those who are still living in Jerusalem," but that "it does not apply to those who were driven out of their homes, or who were for one reason or another absent from Jerusalem at the time of occupation of the major part of Jerusalem in 1948." The memorandum states that as the law does not apply to those who were forced to leave during the 1967 hostilities, or who were absent on temporary visits outside Jerusalem, such persons are classified as absentees. According to the memorandum they number over 100,000 persons who, under the proposed Israeli Compensation Law, are not covered by it. The memorandum also refers to a statement by Mr. Shapiro on 29 June 1971, to

the effect that compensation will be based on the evaluation of these properties as of 1948 together with an additional 25 per cent, to be paid to the Arab proprietors only, on a yearly instalment basis within 20 years from the date of the enactment of the law. The memorandum draws the attention of the Special Committee to the following possible consequences of this law:

1. It will place the remaining Arabs of Jerusalem under constant duress to sell their confiscated properties after 1948 to Israel through a so-called 'legal transaction.'
2. It will give rise later, for the interpretation before international circles and world opinion, that the Arabs of Jerusalem have willingly sold their properties to Israel or Israeli citizens.
3. These former stages may be widely publicized by the occupying authorities to support their claim to the annexation of Jerusalem and to their subsequent allegation that Jerusalem is the capital of Israel.
4. It will wipe out the rights of return and restitution of property to the Arabs of Jerusalem.
5. It will be considered as a precedent to apply the same rules to the rest of the occupied territories.
6. It will finalize [sic] Jerusalem Arab population, and later the rest of the Palestinian Arab population in the occupied territories in Arab ghettos.
7. Finally it will liquidate Jerusalem Arab people, the Palestine people and the Palestine case.

- (d) Uncontradicted reports, appearing in the information media, of the planned establishment of Israeli settlements in the occupied territories

Examples of such reports are:

- (i) The master plan for construction of housing units in occupied Jerusalem, which was made public earlier this year. This plan involves not only the construction of approximately 21,000 units inside occupied territory but also construction of these units on expropriated land of which 74 to 80 per cent belonged to Arabs. The information on the housing units was given by Housing Minister Ze'ev Sharef during a press conference which was reported in the *Jerusalem Post* on 5 March 1971. The information

concerning the expropriated lands was contained in a report of a press conference given by Mayor Teddy Kollek reported on 29 January 1971. In this connexion, the Special Committee also had occasion to view a film which is purported to have been taken recently in the area where the construction is in progress (see para. 42 above).

- (ii) Announcements, such as that reported in the *Jerusalem Post* on 1 March 1971, that two more settlements were planned for the Golan Heights during 1972 and one more settlement was planned in Rafah.
- (iii) The reports carried on 5 January 1971 in the *Jerusalem Post*, according to which the first "moshav shitufi" (settlement) in Sinai was established on 4 January 1971. The settlement was established near Rafah.
- (iv) The report carried on 30 December 1970 in the *Jerusalem Post*, according to which industrial buildings in Hebron were to be constructed in the new Jewish Quarter that was being built. The area of the construction of these industrial buildings extended to 1,500 square metres, according to the report statement of Finance Minister Pinhas Sapir. The Minister was further reported as stating that this was only the first phase, and that when part of these buildings had been occupied, construction of additional structures would begin, totalling 4,000 square metres.
- (v) Reports, such as the one appearing in the *Jerusalem Post* on 30 December 1970, in which the establishment of two civilian settlements in the Jordan Valley and on the Golan Heights during 1971 was announced.
- (vi) The announcement carried on 3 December 1970 according to which a settlement, Kafr Darom, was re-established in the Gaza Strip. According to this report, this settlement had existed prior to 1948 and it had been over-run by the Egyptian Army during the 1948 war.

- (vii) The report carried on 30 December 1970 according to which a settlement which had been founded by the Jewish Agencies Settlement Department near Latrun was becoming permanent.
- (viii) Reports, such as that appearing in the *Jerusalem Post* on 15 June 1971, according to which the first permanent Jewish civilian settlement in Hebron was inaugurated. The report also states that the first 50 families will be moving into the estate in Hebron at the beginning of September 1971. At the present moment, according to the report, they are housed in temporary quarters in the grounds of military government buildings. The Special Committee was shown a film purporting to be evidence of this statement (see para. 42 above).
- (ix) The report appearing in the *Jerusalem Post* on 17 December 1970 according to which Acting Prime Minister Yigal Allon disclosed that the Government of Israel had decided on the establishment of five more Jewish settlements in the occupied territories.
- (e) Several letters addressed by the Governments of Jordan and Syria concerning measures by the Government of Israel in violation of the human rights of the persons living in occupied Jerusalem

These appear in documents S/9969, S/10123, S/10130, S/10139, S/19149 and S/10169. The Government of Israel has answered some of the allegations in letters circulated as documents S/10138, S/10142 and S/10146, and has sought to rebut them. Since the Government of Israel's rebuttal of the allegations made by the Government of Jordan is based on the claim that occupied Jerusalem has been annexed to Israel, and as the United Nations Security Council and General Assembly have rejected this claim, the Special Committee feels that the rebuttal is devoid of force or substance.

A number of letters also concern the question of settlements in the Golan Heights. These are contained in documents S/9823, S/10213 and S/10300. The

letter circulated as document S/10213 in turn gave rise to further communications addressed to the Secretary-General by Israel and Syria. The Syrian letters are circulated in documents S/10224, S/10232 and S/10238. The Israeli letters are contained in documents S/10220, S/10228 and S/10234. The Special Committee has considerable evidence to show that the eviction of the civilian population on a substantial scale occurred in the period immediately following the hostilities of June 1967, although the process had commenced even during the hostilities. The Special Committee made reference to this aspect of the violation of the human rights of the civilian population in the Golan Heights in its first report to the Secretary-General (A/8089). The Special Committee is aware of the statements made by Israeli leaders to the effect that the Golan Heights will be annexed by Israel. It also has evidence to show that settlements have been established in the Golan Heights area (see para. 48 (a), (b) and (d) above), on or near the sites of villages that had been forcibly evacuated during or after the hostilities. The Special Committee considers this to be a violation of the right of return of those persons who had fled before, during and after the June 1967 hostilities. Irrespective of any political settlement that is in contemplation or that is ultimately reached, the people whose home is in the Golan Heights have an immediate and incontestable right to return to their homes.

(f) The absence of any serious attempt at repatriation of the refugees to their homes in the occupied territories

On the basis of the testimony of several of the persons forcibly evicted, heard by the Special Committee in Damascus in 1970 (A/8089, para. 75), the report of the International Committee of the Red Cross on its activities in the Middle East (June 1967 to June 1970) reproduced in *The International Review of the Red Cross*, August and September 1970, Nos. 113 and 114, as well as reports in the Israeli press, the Special Committee has concluded that there has been no serious attempt by the

Israeli authorities at repatriation of civilians whose homes are in the Golan Heights and certainly no policy to that end. Subsequent press releases by the International Committee of the Red Cross indicate that, apart from sporadic efforts through schemes of repatriation designed to reunite families and schemes involving but a few score of persons, there has since June 1967 been no repatriation on any significant scale to warrant the conclusion that the Government of Israel is acting in recognition of the human right of the refugees to return to their homes.

(g) The mass expulsion and continued deportation of individuals from the occupied territories

The Special Committee confirms the finding reached in its first report (A/8089, paras. 75-77) that in several cases, particularly in the Golan Heights and in the Latrun area (West Bank), whole village populations were forcibly expelled by Israeli forces and have not so far been allowed to return. The Special Committee notes that the allegations made by the Government of Jordan in its letters circulated as documents of the Security Council and the General Assembly have not been refuted by the Government of Israel (see paras. 49-51 below).

(h) The continued transfer of the population of the occupied territories to other areas within the occupied territories

Such transfers of population have occurred in the case of several villages that were systematically destroyed in 1967: the population of these villages was either expelled or forced to live elsewhere in the occupied territories. The same practice has been followed in occupied Jerusalem. According to a report in the *Jerusalem Post* of 17 May 1971, Mr. Teddy Kollek, Israeli Mayor of Jerusalem, stated that 4,000 Arabs had been evacuated from Jerusalem. Likewise, in the case of Gaza, according to reports appearing in several newspapers and in letters addressed by Governments, several thousands of persons were displaced from the three major refugee camps in Gaza. Official Israeli sources have stated that

these transfers of population were necessitated by new security measures, such as the construction of wider roads inside the camps in order to facilitate patrolling and the maintenance of law and order in the camps. Most of the persons whose refugee accommodation was destroyed to permit of the construction of these roads were forced to leave for the West Bank and El Arish, while a few were said to have sought refuge with other families inside Gaza.

The Special Committee considers that the transfers were unwarranted and that even if the construction of new roads was considered indispensable for the maintenance of law and order, the arbitrary transfer of population was unnecessary, unjustified and in breach of the Fourth Geneva Convention.

B. Allegations of deportation

49. Allegations of deportation of individuals from the occupied territories were made by the Jordanian Government in letters circulated in the following documents: S/9868, S/9885, S/9904, S/9919, S/10073, S/10074, S/10165 and S/10203. According to these letters, forcible expulsion took place after arbitrary detention and ill-treatment. The Government of Israel's only reply to these allegations was made in a letter circulated as document S/9879. It refers to the allegation of forcible deportation made by the Jordanian Government in document S/9868, but, in the Special Committee's view, does not refute the allegation. The Government of Israel merely states that "letters such as those addressed . . . by the Permanent Representative of Jordan . . . are obviously designed to serve as a smokescreen to conceal Jordan's heavy responsibility for the continued bloodshed and suffering on both sides." The Special Committee has seen for itself some of the persons mentioned in the Security Council documents, who alleged that they had been deported. It had before it letters from the ICRC to the President of the Jordan Red Crescent Society in which it is

stated that "the ICRC deeply deplores the fact" (i.e., expulsion of civilians from the West Bank) and that "ICRC delegates in the West Bank made many interventions during the last three years" (i.e., three years ending November 1970) "protesting against the fact of the expulsion and pleading in favour of individual cases." The letter goes on to state as follows: "I can assure you that they will continue strenuously to interfere in favour of these expelled persons." The Special Committee has no doubt that a large number of persons have been forcibly deported regularly from the occupied territories by the Israeli authorities. The fact of deportation is established beyond all reasonable doubt in the view of the Special Committee, and the frequency with which it has taken place since the June 1967 hostilities leads the Special Committee to believe that this is part of the Government of Israel's policy. The Government of Israel has not commented on allegations of deportation contained in the letters of the Jordanian Government and referred to earlier in this paragraph.

50. Unlike the policy of annexation, which is openly admitted and declared by members of the Government of Israel and by Israeli leaders, there is no similar admission or declaration of policy in regard to deportation. The oral evidence of witnesses appearing before the Special Committee, together with the established fact that a substantial number of individuals have been deported, clearly demonstrates the existence of a policy of deportation on the part of the Government of Israel. Although, in effecting these deportations, the Government of Israel invokes the Defence (Emergency) Regulations, 1945, which have been extended to the occupied territories, such deportations constitute a breach of the provisions of article 49 of the Fourth Geneva Convention. The Special Committee has already pronounced itself on these Regulations in its first report (A/8089, paras. 57-60) and it

maintains the same opinion it held then, namely, that the Regulations are ultra vires the Fourth Geneva Convention.

51. On the question of deportation, the Special Committee also notes the decision of the Supreme Court of Israel, sitting as High Court of Justice in the case of Azmi Ibrahim Mara versus Minister of Defence et al, (H.C. 17/71). Marar had petitioned the High Court of Justice for an order nisi calling upon the Minister of Defence to show cause why he should not rescind his decision to deport the petitioner from the country. The petitioner had been detained for a considerable time under Regulation III (1) of the Defence (Emergency) Regulations, 1945, which provides that: "A Military Commander may by order direct that any person shall be detained in such place of detention as may be specified by the Military Commander in the order." Later the Minister of Defence, by virtue of the powers vested in him by Regulation 112 of the Emergency Regulations, issued an order for his deportation. Regulation 112 provides that: "(1) the Minister of Defence shall have power to make an order, under his hand, for the deportation of any person from Israel. A person in respect of whom a deportation order has been made shall remain out of Israel so long as the order remains in force." The Regulation also provides for an advisory committee, appointed under the Regulations, which is empowered to consider and make recommendations to the Government in respect of any deportation order, if requested to do so by any person whose deportation has been ordered under the Regulations. In this case, the petitioner had asked the advisory committee to consider the deportation order. The Advisory Committee having considered the order, recommended that it remain in force. The Court dismissed the petition, basing itself inter alia on the argument that it was not within the competence of the High Court to consider the argument brought by the petitioner since this is entrusted exclusively to the Advisory Committee in virtue of

Regulation 112, "whether this be desirable or not." The decision was given on 20 January 1971.

C. Demolition of houses and eradication of villages

52. In addition to the evidence heard by the Special Committee in the course of its investigation in 1970 concerning demolition of houses, further evidence was presented on the same subject in 1971. In particular, the Special Committee takes note of regular reports appearing in the Israeli press regarding demolition of houses.

53. Some witnesses appearing before the Special Committee also alleged demolition of houses:

(a) Shafik Ahmad Hassan Shteivi, 20 years of age, who was arrested on 24 April 1970. According to Shteivi, his brother was a member of the resistance movement and the Israelis had threatened to subject his mother and two sisters, who had been arrested, to harsher treatment if he did not give information about his brother. Shteivi testified that their house had been demolished, his mother and one sister killed and the other sister detained in prison. He also testified that his house had been one of seven demolished by the Israeli Army.

(b) Saber Mohammed Abdul Latif, head of the local council of the village of Beit Fajjar, in the Hebron District, testified that after his arrest on 1 November 1969, his village had been besieged for about four months, no water had been allowed in and some 70 houses had been blown up. Abdul Latif had been deported on 28 August 1970.

54. The Special Committee also noted the following reports of demolition appearing in the Israeli press; this is not a complete list of such reports on the subject,

but they are quoted by way of illustration:

- 10 May 1970, *Ha'aretz* - 3 houses in Hebron.
- 20 May 1970, *Ha'aretz* - 70 houses - Marj Na'Jeh (North Jordan Valley).
- 27 May 1970, *Jerusalem Post* - 5 houses - Ashkar Refugee Camp near Nablus.
- 21 December 1970, *Jerusalem Post* - 5 houses, Gaza.
- 12 January 1971, *Jerusalem Post* - 7 houses - West Bank, Kafir Tayasir (near Jenin).
- 28 February 1971, *Jerusalem Post* - 6 houses, Burin Village (Nablus area).
- 31 March 1971, *Jerusalem Post* - 3 houses, Sillet e-Dahr, near Jenin; Atzira e-Kebliyah, near Nablus.
- 2 April 1971, *Jerusalem Post* - 10 houses, Gaza.

55. The Special Committee also received from the Government of the United Arab Republic a statement containing a list of 34 houses that were demolished, with details of ownership, the size of the buildings, and the dates of demolition. According to this list, these demolitions took place during December 1970.

56. The Special Committee has not been able to ascertain the exact number of houses that have been demolished, but the fact that demolition of houses takes place is undeniable. On 13 November 1969, the Prime Minister of Israel declared to the press that the destruction of buildings at Halhoul and Gazawas in pursuance of her Government's policy of destroying the houses of persons helping members of Al Fatah. This same statement, according to a report of the International Committee of the Red Cross, was communicated by the Ministry of Foreign Affairs to the ICRC delegation on 23 December 1969 (*International Review of the Red Cross*, September 1970, No. 114, pages 488 and 489).

57. In addition to allegations of demolition of houses, the Special Committee received reports that a number of villages have been entirely destroyed by the Israeli authorities in the occupied territories. This is acknowledged in the aforementioned report of the International Committee of the Red Cross (pages 485-486) and newspaper reports such as those, for example, appearing in the *Sunday Times* (London) on 11 October 1970, where reference is made not only to the villages of Jalou, Beit Nuba, and Imwas, also referred to by the Special Committee in its first report, but in addition to villages like Surit, Beit Awwa, Beit Mirsem and El-Shuyoukh in the Hebron area and Jiflik, Agarith and Huseirat, in the Jordan Valley. The Special Committee has ascertained that all these villages have been completely destroyed. The Special Committee would also recall the case of Halhul, in regard to which it stated in its first report (A/8089, para. 73):

. . . It is an established fact that Halhul was the scene of extensive destruction, that the destruction was inflicted as a collective punishment by way of reprisal, and that the Israeli authorities were responsible for the destruction that took place.

The Special Committee heard allegations of the destruction of over 400 Arab villages, but no evidence in corroboration has been furnished to the Special Committee.

58. In a letter addressed to the Jordan National Red Crescent Society on 23 June 1971, the ICRC delegate in Jordan stated:

. . . I would like to inform you that, according to our delegation in the West Bank, the village of Nebi Samwil was in fact destroyed by Israeli armed forces on March 22, 1971.

The president of the ICRC, Mr. Naville, has recently sent a letter to Mrs. Golda Meir in which he expresses the ICRC's grave concern about the destruction of buildings in the occupied territories. In this letter, which was transmitted at the end of May, he underlines the negative effect of these destructions on families and reaffirms the ICRC's position - already expressed many times before - as to the serious violation of humanitarian principles that they represent.

D. Allegations of ill-treatment while under detention

59. In its first report, the Special Committee referred to the testimony of some witnesses who had appeared before it and who had made allegations of ill-treatment suffered while under detention (A/8089, paras. 78-111). In the course of the evidence heard during its visit to Amman and Beirut in 1971, the Special Committee heard further allegations of ill-treatment by individuals appearing before it. The Special Committee received a number of written communications in which allegations of ill-treatment were made.

60. In carrying out its investigation in 1971, the Special Committee sought evidence of a corroborative nature rather than a repetition of the allegations made at the Special Committee's hearings in 1970. The Special Committee heard as many witnesses as possible in the time available and was informed of many others who were apparently ready to give evidence of their personal experiences in prison and detention camps in the occupied territories. In certain cases these statements were supported by other evidence, in the form of medical reports or visible marks of mutilation, physical injury or impairment of faculties. The Special Committee can neither accept nor reject such allegations in the absence of further corroborative evidence.

61. The Special Committee realizes the practical difficulties involved in obtaining evidence concerning allegations, such as those involving ill-treatment, which, by the very nature of the allegation, takes place in circumstances where corroborative evidence is not likely to be available. The serious nature of allegations of this type necessitates a most thorough examination of all relevant evidence before the Special Committee could pronounce itself further as to whether the individual allegations have been proven or whether a prima facie case has been established in regard to them and, secondly, as to whether these incidents do establish a pattern of action tantamount to

a regular practice on the part of the Israeli authorities.

62. The ICRC expressed similar difficulties in its report (*International Review of the Red Cross*, September 1970, No. 114), in particular with regard to the approximately 300 prisoners who were being held for interrogation (as of the end of May 1970) and to whom it had no access. In that report, the ICRC stated that in May 1969 its delegate had been authorized by the Minister of Defence to talk in private with prisoners whose interrogation was finished and that delegates could, in the presence of an Israeli officer, also see prisoners held for interrogation, to check their state of health, while a few detainees held incommunicado could not be visited. The ICRC also stated that this procedure referred only to prisons and that "police stations and military camps remained closed to the delegates." The ICRC reports that visits were carried out under this procedure from April to September 1969. The report states:

However, in the autumn of 1969, the Israeli authorities informed the ICRC that the number of prisoners had so increased that they were obliged to change visiting arrangements; from that time on, the delegates would not be able to see any detainee held incommunicado . . . even if his 'isolation' was not necessarily solitary confinement but was shared with other prisoners in the same category.

The ICRC rejoined that such a procedure was unacceptable and it endeavoured to find a solution consistent with the letter and the spirit of the Fourth Geneva Convention. Even though its delegates thought that there had been some improvement in interrogation conditions, the ICRC considered that the visiting procedure laid down by the Israeli authorities no longer permitted it to ensure that interrogation methods at variance with humanitarian law did not occur.

On 19 April 1970, the Israeli Government authorized the delegates to carry out their visits subject to the following conditions: each prisoner would continue to be visited about once a month; no detainee would remain in a detention centre without being seen by the delegates on their second visit after the arrest of the prisoner, unless, in exceptional circumstances and for imperious security reasons, he was denied such a visit, in which case his name would be communicated to the delegation.

63. The Special Committee notes that the greater part of allegations concerning ill-treatment while under detention, including those made this year, relate to experiences of prisoners or detainees while under interrogation in police stations or military camps. The prison most seriously and most frequently implicated in these allegations was Sarafand. Among those witnesses who stated that they had been ill-treated in Sarafand Military Camp were the following: Suleiman Mohammed Abu Tair, 22 years old, who had been arrested on 2 February 1969 and deported on 15 June 1971; a witness arrested in June 1970 (and later deported) who testified in closed meeting; Mohammed Ali Omar Abu Bakri, 35 years old, who was arrested on 9 February 1970 and deported on 18 March 1971; Hamdi Khalil Mahmoud Kassab, 50 years of age, who was arrested on 6 April 1969 and deported in May 1971.

64. Among the cases mentioned by the Special Committee in its first report, the Committee would like to refer to the case of Moayyad Osman Badawi El-Bahsh, 22 years of age, who was arrested in December 1967 in Nablus and deported on 7 September 1970. El-Bahsh appeared before the Special Committee in Beirut on 14 July 1971. He was at that time undergoing treatment in London. The witness' left arm showed signs of complete paralysis when he appeared before the Special Committee. He alleged that this was due to the ill-treatment that he had suffered upon his arrest and that the arm had become paralysed on 9 March 1968. El-Bahsh said that he had been subjected to electrical torture, with clips placed on his ears and genitals and a band around the head, and that he had also been stretched with one arm tied to a post and another to a door which had been constantly opened and closed. The Special Committee observed scars, which could have been caused by cigarette burns, on the witness' legs, knees, thighs, ankles and penis. The witness stated that he had been suspended by the wrists from a window and a soldier had jumped up and down on the shackles holding his legs together, causing paralysis of the left arm. The witness also stated that he had been visited in

1968 by a representative of Amnesty International. Giving evidence before the Special Committee on 16 April 1970 (A/AC.145/RT.19, page 67), Najib El-Ahmed stated that he had met El-Bahsh in the infirmary in Nablus Prison in 1968, that they had spent more than 30 days together in the infirmary, that El-Bahsh had developed "partial paralysis of the left side right up to the shoulder," which El-Ahmed attributed to torture to which El-Bahsh had been subjected at Sarafand. Amnesty International is said to have sent a report on this case to the Government of Israel. Although this report itself has not been produced, the Special Committee has received from Amnesty International a copy of the Government of Israel's comments on the case. In the opinion of the Israeli doctors, "medical tests had proved that from an objective point of view there were no signs of paralysis or injury caused to the left arm as claimed" and El-Bahsh's condition appeared to be one of hysterical paralysis, "where the mental state of the patient seemingly causes paralysis, without there being any objective evidence of damage to the nerves." The report states:

From the X-ray taken of Moayid [El-Bahsh] on 18 February 1968 and subsequent medical tests, it is apparent that there is no basis to the complaint that his left arm had been broken 'in camp' between 24 and 29 January 1968.

It was similarly proved by the medical evidence that during the period between 24 January and 8 March 1968, Moayid had not suffered from a break or fracture in his left shoulder or arm.

At the time of writing the Special Committee still awaits the reports of the doctors by whom El-Bahsh was being treated when he appeared before the Special Committee.

65. The Special Committee has already cited in its first report certain cases of alleged ill-treatment of prisoners and detainees (A/8089, paras. 78-111). The Government of Israel's delegate stated in the Third Committee during the twenty-fifth session of the General Assembly (A/C.3/SR.1782) that they had information in rebuttal

of the allegations. The delegate of Israel referred to the case of Mr. Mohammed Derbas, who had told the Special Committee that he had been castrated by surgery by an Israeli doctor (A/8089, para. 104); the Israeli delegate stated that he had information to prove that Mr. Derbas had been operated on earlier by an Egyptian doctor. The Special Committee accordingly requested the Government of Israel to furnish this information (see para. 9 above). The Government of Israel has not so far furnished this evidence.

66. There are other cases which were cited last year where the evidence is compelling, namely those of Mr. Sadaddin Kamal (A/AC.145/RT.11, A/8089, paras. 78 and 79), Mr. Youssef Salahat (A/AC.145/RT.21, A/8089, paras. 78, 96, 100), Mr. Abu Ras (A/AC.145/RT.20, A/8089, paras. 93-95), Mr. Najeb Mohammed Issa El-Khattab (A/AC.145/RT.23, A/8089, paras. 96, 100), Mr. Suleiman M. Sheikh-Eid (A/AC.145/RT.24, A/8089, paras. 98 and 99), Mr. Munir Abdullah Ghannam (A/AC.145/RT.23, A/8089, para. 102), Mr. Abu Rumeile (A/8089, paras. 80 and 86), Mr. Ismael Abu Mayaleh and his wife, Mrs. Abla Tahha (A/AC.145/RT.22, A/8089, paras. 78, 85, 101). These cases provided strong evidence which, in the Special Committee's judgement as expressed in its first report (A/8089, para. 108), justified the conclusion that there is in several prisons, especially in Sarafand Military Camp, a regular practice of ill-treating inmates, mainly during interrogation.

67. Since the first report of the Special Committee was issued, Mr. Abu Rumeile was sentenced on 25 December 1970 to ten years' imprisonment. This, according to the President of the Court, as reported in the *Jerusalem Post*, was a light sentence "in view of the fact that Rumeile had admitted to the charges and had fallen ill during his detention." The evidence before the Special Committee shows that Mr. Abu Rumeile, who had been arrested on 8 March 1969, had been so ill-treated that his

mental faculties were affected (see A/8089, para. 86, and appendix to annex VII). In a letter dated 27 January 1970, in annex VII to the Special Committee's report, the lawyer for Mr. Rumeile, Mrs. Felicia Langer, wrote to the Minister of Security:

My client was arrested on 8.3.69 and charged at Lydda by the Chief Military Prosecutor (Asgan Aluf Cadmi - file; Lydda 24, A6921) with various offences under the Defence Regulations (Emergency) 1945. According to evidence given by members of his family and the lawyer who acted on his behalf before me, my client was in full possession of his faculties until the 20th June 1969. He claimed that during the period between his arrest and this date he was severely tortured while being investigated for a month in Jerusalem, and that he suffered both physical and mental injuries. He described how he had been beaten, tortured with an electrical apparatus, and burned with lighted cigarettes. The marks of the latter are still fairly visible on his left arm. According to evidence my client suffered severe mental damage, and lost possession of his faculties after the 20th June 1969 - a state which persists to this day. A medical examination was made by Dr. J. Streich, deputy district psychiatrist, and Director of the Mental Health Institution at Peta Tiqva, which revealed that my client is no longer able to control his bowel movements, is unable to identify people around him, and cannot speak coherently. In consequence, Dr. Streich declared him unfit to appear in court. On 14 October 1969, the military court in Lydda declared that 'there appears to be no possibility of bringing the accused to trial on account of his mental state.' My client had been in good physical and mental health both before and for a period after his arrest. There are witnesses who knew him before his arrest - both Jews and Arabs - as a successful business man. There are also witnesses who can testify about the state in which he was brought back to his prison cell after interrogation. My client's health has not improved. He has not even been put into a suitable hospital, but is still in Ramele Prison. On 16 January I saw him and he appeared as a man who was quite insane, 'who had become a piece of broken pottery.' According to claims made by my client while he was still mentally fit, claims which are upheld by members of his family as well as the witnesses already mentioned, my client's state was caused by illegal methods of investigation, including blows and torture. In view of the seriousness of this case, in which the police and/or the security service are suspected of transforming a healthy man into a physical and mental wreck, I urgently appeal to you to appoint a commission of inquiry so that those responsible may be punished. I can provide names of witnesses, together with their addresses, any time you wish.

E. Administrative detention

68. The Special Committee notes that the practice of administrative detention of individuals continues. Under this practice a considerable number of persons are

still deprived of their liberty without charges being brought against them. According to a report appearing in the *Jerusalem Post* on 15 June 1971, Defence Minister Moshe Dayan informed the Knesset that in May 1970 the number of administrative detainees was 1,131 and that in June 1971 the number had decreased to 560. Of these, 229 came from the West Bank, 303 from the Gaza Strip, 14 from Jerusalem and 14 from Israel. The then Commander of the Israeli forces in Gaza, Menahem Aviram, addressing the press on 1 February 1971, on the day after the month-long, 22-hours a day curfew in Shati Refugee Camp was lifted and journalists allowed to tour the area, stated that local lock-ups in Gaza were filled to their 700-bed capacity and that 160 Gaza Palestinians, mostly administrative detainees, were kept in a prison camp in the Sinai. In addition, according to the same report (*Jerusalem Post*, 2 February 1971) and the same source, there were 24 families of wanted persons living in specially constructed quarters in the Sinai. They were exiled to prevent them from aiding and abetting their relatives who were wanted, and they would be returned as soon as the wanted persons were captured. The report states that Commander Shlomo Gazit, Military Commander of the occupied territories, "flatly rejected journalist requests to visit the Sinai detention camp." The report quotes him as saying "it would not be good for Israeli public relations."

F. Other allegations

69. Several other allegations have been made before the Special Committee, such as intimidation of the local population by the imposition of harsh curfews for prolonged periods, mass arrests and changes in school curricula of Arab children. The Special Committee commented on these allegations in its first report (A/8089, paras. 71-77, 112-122). The Special Committee would refer particularly to the curfew imposed in the Shati Refugee Camp in Gaza in January 1971 following the death of two Israeli

children as a result of the throwing of a hand grenade in a public street. The curfew lasted for a period of four weeks for 22 hours a day. A complementary measure was the calling into the area by the Israeli authorities of the so-called Border Police, whose treatment of the civilian population was alleged to have been inordinately harsh and even brutal. These allegations regarding the behaviour of the Border Police find corroboration in a statement made by the Commander of the Israeli forces in Gaza, as reported in the *Jerusalem Post* on 2 February 1971, soon after the curfew in Shati Refugee Camp was lifted and visiting journalists were allowed to tour the area. The report states: "Speaking to journalists, Commander Aviram also admitted that there had been several cases of Israeli troops beating up and robbing Arab suspects, and said the men responsible were disciplined in every case after the charges were substantiated."

70. The Special Committee notes that periodic mass arrests of young men, in groups ranging between 21 and 50, continue. These round-ups are usually justified on the ground of some act of violence attributed to the resistance. Examples of such mass arrests are: the arrest of 25 young men in Jenin, reported in the *Jerusalem Post* on 21 March 1971; of 28 men in Gaza, reported on 25 February 1971; and of 45 in Hebron on 10 February 1971. Oral evidence given before the Special Committee indicates that such arrests are effected in a random manner.

71. The Special Committee's attention has been drawn to what are alleged to be instances of radical changes in the educational curricula of Arab children apparently designed to weaken their national consciousness or to obscure the identity of the Palestinian people.

IV. FINDINGS

72. The evidence that the Special Committee has received reflects a policy on the part of the Government of Israel designed to effect radical changes in the physical character and demographic composition of several areas of the territory under occupation by the progressive and systematic elimination of every vestige of Palestinian presence in these areas. It would have the effect of obliterating Arab culture and the Arab way of life in the area, and, contrary to international law, of transforming it into a Jewish State. Measures taken under this policy include the establishment of settlements for Israeli Jews in, for example, occupied Jerusalem, Hebron, certain parts of the Jordan Valley, the Golan Heights, Gaza, Northern Sinai and Sharm El-Sheikh. Such a policy will render more difficult any eventual restoration of the Palestinian people's property and other rights. Besides denying the right of Palestinians who have fled the occupied territories to return to those territories, it also threatens the right of Palestinians who have remained in the occupied territories to continue to live there. In the Special Committee's view the right of the inhabitants of the occupied territories to remain in their homeland is unqualified and inalienable.

73. The Special Committee is of the opinion that the practice of deportation of persons from occupied territories, as carried out by Israel, is not only contrary to article 49 of the Fourth Geneva Convention but is also part of a total policy of depriving the people of the occupied territory of their right to remain in their homeland. The Special Committee has made the same finding with regard to the practice whereby Israeli nationals are transferred to the occupied territories, as is the case in East Jerusalem, Hebron, the Golan Heights, certain parts of the Jordan Valley, Gaza, Northern Sinai and Sharm El-Sheikh.

74. In the debate on the Special Committee's report in the Special Political Committee during the twenty-fifth session of the General Assembly, the delegate of

Israel, referring to his Government's policy in the occupied territories, stated that several thousands of Arab visitors had been allowed into the territories during the summer of 1970 (A/SPC/SR.744-751; A/C.3/SR.1782). According to reports in the Israeli press, several more thousand visitors have been permitted this year. Although this may be considered as a positive aspect of Israeli policy towards the territories it occupies, it is no remedy in the circumstances. The summer visitors' programme is no substitute for recognition of the right of the refugees to return to their home - a right that is continued to be denied to them by the Government of Israel - nor does it have any bearing whatsoever on the declared policy of the Government of Israel to settle occupied territories and on the fact that several hundred persons had been deported from their home in the occupied territories on official deportation orders purporting to be issued by the Israeli authorities under the Defence (Emergency) Regulations, 1945. No statistics are available of the number of persons who have been forcibly expelled without any such formality. These facts remain true, irrespective of what the Israeli authorities claim to be a liberal policy of granting visiting permits or of lifting travel restrictions. The same observation would apply to the statement frequently made that Israeli policy in the occupied territories is to keep the Israeli presence as unobtrusive as possible, not interfering with the conduct of local affairs and keeping intervention by the occupation government to a minimum. It is difficult to reconcile the latter statement with the recurring curfews imposed for periods ranging from dawn-to-dusk over a stretch of 22 hours and the habitual intervention of Israeli troops to deal with acts of resistance to the occupation. The fact remains that (a) the Government of Israel still refuses the population of the occupied territories the right to return to their home; (b) the declared policy of the Government of Israel is to settle occupied territories with Israeli citizens; (c) the Government of Israel regularly deports civilians from the

occupied territories.

75. The Special Committee has shown in paragraphs 52 and 58 above that the Government of Israel's declared policy is to destroy the houses of persons suspected of helping members of the resistance. This policy is in violation of articles 33 and 53 of the Fourth Geneva Convention. It also violates the fundamental right of the protected persons to a home. The evidence before the Special Committee shows, moreover, that the destruction of houses takes place arbitrarily and that it has not ceased. The Special Committee notes the efforts of the ICRC to aid victims, whose houses have been demolished, by providing relief supplies and temporary shelter. The Special Committee notes that many persons whose houses have been demolished have left the occupied territories. The Special Committee is of the view that the policy of demolition of houses in this manner and a demonstrated policy of deportation, as parts of a general policy of annexation and settlement, can have but one result: the elimination of any possibility of the fulfilment of the Palestinian people's right of self-determination within the confines of their own homeland.

76. It is clear that the right of the Palestinian people to their own homeland was sanctioned by the United Nations in all resolutions adopted by the General Assembly and Security Council, including resolution 181 (II) by virtue of which the General Assembly of the United Nations recommended the Plan of Partition with Economic Union as spelled out in the resolution. The Plan of Partition, in the same manner as other United Nations resolutions and declarations on the question, has acknowledged the right of the Palestinian people to self-determination. The concern of the international community for this basic right was further manifested when the General Assembly adopted the International Covenants on Human Rights,

article 1 of each of which proclaims the right to self-determination. The Israeli policy would have the effect of extinguishing the right of the Palestinian people to self-determination. The Special Committee considers any act in furtherance of that policy to be a violation of a fundamental human right to which all peoples are equally entitled.

77. Numerous allegations of ill-treatment while under detention have been made before the Special Committee. In the absence of sufficient corroborative evidence, the Special Committee is unable to reach a conclusive finding in regard to these cases. The Special Committee is convinced however that, apart from general prison conditions which, despite reported efforts at improvement, are stated to be bad, mainly due to overcrowding, interrogation procedures very frequently involve physical violence (see *International Review of the Red Cross*, September 1970, No. 114, pages 504-505; and *The Red Cross in Action*, news bulletin No. 164, 14 July 1971).

78. The evidence shows that the practice of imposing harsh curfews continues. In regard to the four weeks' long curfew imposed on the Shati Refugee Camp following the grenade incident in January 1971, the conditions of curfew made it appear to have been more of a form of reprisal than a necessary means of either preventing similar incidences or bringing the offenders to book.

79. In regard to allegations of mass arrests, the Special Committee has reached the conclusion that whatever their avowed purpose, the arrests were clearly calculated in part to be a means of destroying the morale of the people of the occupied territories.

80. For lack of evidence, the Special Committee is unable to arrive at a finding on the allegations that radical changes have been made in the education curricula of Arab children of the occupied territories. The Special Committee understands that UNESCO has interested itself in securing for the children of the occupied territories the quality and type of education to which they are entitled.

81. On the basis of the testimony placed before it or obtained by it in the course of its investigations, the Special Committee had been led to conclude that the Government of Israel is deliberately carrying out policies aimed at preventing the population of the occupied territories from returning to their homes and forcing those who are in their homes in the occupied territories to leave, either by direct means such as deportation or indirectly by attempts at undermining their morale or through the offer of special inducements, all with the ultimate object of annexing and settling the occupied territories. The Special Committee considers the acts of the Government of Israel in furtherance of these policies to be the most serious violation of human rights that has come to its attention. The evidence shows that this situation has deteriorated since the last mission of the Special Committee in 1970.

82. The Special Committee must emphasize once again the importance of having an arrangement for implementing the provisions of the Geneva Convention which would be acceptable to all parties and which would thereby better ensure the safeguarding of the human right of the population of the occupied territories. The Special Committee regards its task as essentially a humanitarian and not a political one, despite the fact that there are certain political and juridical problems that necessarily arise from the nature of the Middle East question as a whole. It is, however, clear to the Committee that the arrangement it recommended in its report to the Secretary-General (A/8089, para. 155) should be implemented if any progress is to be achieved in safeguarding the human rights of the population of the

occupied territories. The Special Committee would like to draw particular attention to the recommendation which provides for the representation under this arrangement of the large population within the occupied territories which has not yet been given the opportunity of exercising the right of self-determination. The Special Committee in no way intends to enter into the question of the status of any of the States vis-à-vis one another nor is the arrangement it proposed in any way meant to prejudice whatever political attitudes these States have taken in relation to one another until now. The arrangement envisaged by the Special Committee is designed to ensure that the persons in the occupied territory are guaranteed the protection of their rights, namely, the primary right to remain in or return to their home and other rights consistent with their status as the civilian population of an occupied territory.

83. The Special Committee has already stated in its first report (A/8089, para. 146) that it considers that in this case the fundamental violation of human rights lies in the very fact of occupation. The most effective way of safeguarding the human rights of the population of the occupied territories, therefore, is to end the occupation of these territories. Occupation constitutes an infringement of the principle of territorial integrity which has been accepted and repeatedly endorsed by the family of nations and has been enshrined in the Charter of the United Nations. The same principle has been further recognized and elaborated by the United Nations in the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations adopted by the General Assembly at its twenty-fifth session (resolution 2625 (XXV)) on 24 October 1970. The principle that the acquisition of territory by force is inadmissible has been expressly reaffirmed by the General Assembly in paragraph 1 of resolution 2628 (XXV) relating to the

situation in the Middle East. The evidence received by the Special Committee since its mission to the Middle East in 1970 strengthens its conviction that, failing an end to the occupation itself and if the provisions of the Geneva Conventions of 1949 are to be enforced, the States concerned will have to agree to an arrangement that would remove any suspicion regarding violations of human rights of the population of the occupied territories.

V. RECOMMENDATIONS

84. The Special Committee, having examined the evidence before it, reiterates the recommendations that it made in its first report (A/8089, paras. 145-156) with the modifications indicated below.

85. The Special Committee notes that the declared Israeli policy of annexing Jerusalem has become even more manifest in the construction of large housing projects on the occupied eastern limits of the city undertaken as an apparent instrument of that policy. The Special Committee recommends that the General Assembly call upon the Government of Israel to desist from all measures for the annexation of the occupied part of Jerusalem.

86. The Special Committee also notes that since the presentation of its first report certain policies and practices which the Special Committee found to exist in the occupied territories have been continued, in some instances on an even wider scale. This is especially so in regard to the policy of encouraging the movement of Israeli settlers into such settlements. The Special Committee recommends that the Government of Israel be called upon to discontinue this policy.

87. The Special Committee must also draw attention to the fact that the practice of deportation of civilians from the occupied territories has continued unabated, and must record its grave concern that this practice, together with the policy of establishing settlements in the occupied territories, seems calculated to eliminate an identifiable Palestinian community altogether from the occupied territories. The Special Committee, therefore, recommends that the General Assembly at the same time call upon the Government of Israel to permit, unconditionally, all persons

who have fled the occupied territories, or who have been deported or expelled therefrom, to return to their homes.

88. The Special Committee still maintains that the existing arrangements for the enforcement of the Third and Fourth Geneva Conventions are, in the circumstances, inadequate as they neither enable complete and exhaustive investigation of allegations of violations of these Conventions nor do they in a positive sense ensure their scrupulous observance. Such an investigation can be effective only if the parties concerned extend their willing co-operation.

89. The evidence before the Special Committee shows that the practices and policies found to exist in the occupied territories in 1970 have not ceased, and for this reason the Special Committee would reiterate the recommendation contained in paragraph 155 of its first report (A/8089) regarding the establishment of a mechanism to ensure the safeguarding of the human rights of the population of the occupied territories. In renewing this recommendation the Special Committee must emphasize that it attaches the highest importance to the proper representation of the interests of the Palestinian population, which has not yet been given the right of self-determination. The Special Committee wishes to emphasize the need for effective implementation of the Geneva Conventions; and that humanitarian considerations should transcend all political differences and difficulties. Humanitarian considerations and the importance of protecting rights accorded under international law can and should be kept separate and distinct from the political issues. The Special Committee is satisfied that the arrangement it proposes does not and cannot prejudice any final settlement of the political problem involved in accordance with the terms of Security Council resolution 242 (1967).

90. The Special Committee, therefore, commends to the States parties to the conflict in the Middle East the adoption of the arrangement proposed by it in its first report. The merit of that proposal is that it conforms to the spirit of the Third and Fourth Geneva Conventions while avoiding certain political problems inherent in the present situation. For such an arrangement to be effective, three elements are essential:

- (a) There must be supervision of the conditions of occupation;
- (b) This supervision must be exercised by an independent and impartial body;
- (c) The investigating body must enjoy freedom of operation in the spirit of the Geneva Conventions.

91. The arrangement proposed by the Special Committee in its first report (A/8089) and recommended by it again is as follows: The General Assembly might recommend:

- (a) That the States whose territory is occupied by Israel appoint immediately either a neutral State or States, or an international organization which offers all guarantees of impartiality and effectiveness, to safeguard the human rights of the population of the occupied territories;

- (b) That suitable arrangements be made for the proper representation of the interests of the large population in the occupied territories which has not been given the opportunity of exercising the right of self-determination; and

- (c) That a neutral State or international organization, as described in (a) above, be nominated by Israel and be associated in this arrangement.

The Special Committee recommends that the State or States or international organization duly nominated under this arrangement might be authorized to undertake the following activities:

- (a) To secure the scrupulous implementation of the provisions relating to human rights contained in the Third and Fourth Geneva Conventions and in particular

to investigate and determine the facts in the case of allegations of the violation of the human rights provisions of these Conventions or of other applicable international instruments;

(b) To ensure that the population of the occupied territories is treated in accordance with the applicable law;

(c) To report to the States concerned, and to the General Assembly of the United Nations on its work.

VI. ADOPTION OF THE REPORT

92. Approved and signed by the Special Committee in accordance with rule 20 of its rules of procedure as follows:

(Signed) H.S. AMERASINGHE (Ceylon)

(Signed) HUSSEIN NUR-ELMI (Somalia)

(Signed) B. BOHTE (Yugoslavia)

[Annexes Not Reproduced]

3. Addendum to the 1971 Report of the Special Committee to
Investigate Israeli Practices Affecting the Human Rights
of the Population of the Occupied Territories¹
December 9, 1971

CONTENTS OF THE REPORT

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¹

United Nations, General Assembly, Twenty-sixth Session, December 9, 1971, *Report of the Special Committee To Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories*, A/8389/Add.1, pp. 7-19. Introduction and Annexes are not reproduced here.

I. ANALYSIS OF ADDITIONAL EVIDENCE AND FINDINGS THEREON

A. Allegations of annexation and settlement

11. In its second report, the Special Committee expressed the conviction that it was the policy of the Government of Israel to annex and settle the occupied territories. It cited a number of facts that tended to support this conclusion (A/8389 and Corr. 1, para. 47), among which were express pronouncements by Israeli Ministers and leaders in which this policy, in the view of the Special Committee, was made manifest. Since the adoption of its report, the Special Committee has become aware of additional statements to the same effect, such as that made by the Prime Minister of Israel, Mrs. Golda Meir, which was reported in the *Jerusalem Post* on 10 October 1971. According to this report, the Prime Minister stated:

Our borders are fixed by the people who live along them. If we retreat, the borders will retreat with us. The danger is then that somebody else will fix the boundaries for us.

12. The Special Committee has received new reports of the establishment of settlements by Israelis in the occupied territories. The Special Committee had cited similar information in its second report (A/8389 and Corr. 1, para. 48 (d)). The Special Committee feels that the following additional reports should be mentioned by way of further evidence of the existence of the policy to annex and settle the occupied territories:

(a) The report appearing in the Israeli newspaper *Ma'ariv*, on 13 September 1971, which quotes the Director of the Settlement Division of the World Zionist Organization as stating that, since the hostilities of June 1967, 32 settlements had been set up in the occupied territories, seven of which were set up in the past year. The same

report states that six new settlements were being planned for the next year, three in the Golan Heights, two in the Jordan Valley and one in the Gaza Strip.

(b) The report appearing in the *Jerusalem Post* on 14 September 1971, concerning the establishment of settlements in Kfar Etzion.

(c) The report appearing in the *Jerusalem Post*, on 20 October 1971, to the effect that the Israeli authorities had completed the fencing off of 4,000 dunams of land near Deir Iel-Balah, in the Gaza Strip, "as part of a larger project to establish six Jewish settlements in the Strip." The report states that the total area of the settlements will be 34,000 dunams.

(d) The report appearing in the *Jerusalem Post*, on 10 November 1971, that the thirteenth settlement in the Golan Heights had been established; and

(e) The report appearing in the *Jerusalem Post*, on 28 September 1971, of the continued expansion of the settlements in Hebron, known as Kiryat Arba. According to this report, the Housing Ministry of the Government of Israel has a master plan providing accommodation for 900 families. The same report refers to the founder and spokesman of the original group which moved into the Park Hotel in Hebron for Passover in 1968 "and stayed on." In this connexion, the Special Committee took note of the letter, dated 3 June 1968, from the Representative of Jordan to the Secretary-General (A/7103),¹ which states:

In April 1968, about eighty Orthodox Jews moved into the Park Hotel on the northern outskirts of the city, (Hebron) ostensibly to celebrate the Passover holiday, but then announced that they had come to stay. They soon tried to rent houses and shops. The citizens did not comply with these wishes. The Mayor of Al Khalil (Hebron) cabled the Israel Prime Minister and asked for the removal of this group of Jews. Consequently, they abused the Mayor and asked him to withdraw his cable. Upon refusing their demand, they demonstrated in the streets and claimed that they were there to stay and their task was part of the 'redemption of the Land of Israel.' Their acts of provocation continued and the Israel Government was inactive on this matter.

¹ Issued in printed form in *Official Records of the Security Council, Twenty-third Year*, Supplement for April, May and June 1968, Document S/8609.

13. The letter states that a delegation appointed by the inhabitants of Hebron met the Military Governor on 9 May 1968 and protested against the settlement of Jews in the city, "emphasizing that their presence was potentially dangerous for public security and that their stay would have grave consequences." The letter of the Representative of Jordan makes reference to a visit by the then Labour Minister, Yigal Allon, to the religious group when, according to the letter, the Minister "voiced his full support for them."

14. The Special Committee also noted the reply of the Government of Israel to the allegations contained in the letter of the Government of Jordan. The letter states (A/7105):¹

This letter magnifies and distorts the matter in question.

A small group of pious Jews and their families have on their own spontaneous initiative taken up residence in Hebron, a town with venerable Jewish historical and religious associations.

There is no good reason why their neighbours should not live on peaceful and amicable terms with them and so help to heal the tragic memories of the massacre of Hebron Jews in 1929.

15. In addition to the above reports, the *Jerusalem Post*, on 6 October 1971, reported a protest by the Mayor of Hebron, Sheikh Mohammed Ali Ja'abari, against the requisitioning of 1,000 dunams of land "for the expansion of the Jewish settlement of Kiryat Arba in the area." The same report, however, quotes an Israel radio report of a statement by a Military Government official to the effect that only 230 dunams were taken over "for security reasons" and that, in fact, only six dunams were actually seized, for which the owners had been adequately compensated.

16. In the view of the Special Committee, these letters, the reports quoted above, as well as those reports concerning the settlements in Hebron referred to in the

Special Committee's second report (A/8389 and Corr. 1, para. 48 (d), (iv) and (viii)), confirm the existence of a policy of annexation and settlement.

B. Allegations of transfer of population and of the denial of the right to return

17. In its second report, the Special Committee took note of a number of newspaper reports according to which several thousands of persons were displaced from the three major camps in Gaza. The Special Committee noted that official Israeli sources had stated that these transfers of population were necessitated by new security measures, such as the construction of wider roads inside the camps in order to facilitate patrolling and the maintenance of law and order in these camps. The Special Committee noted the fact that most of the persons whose refugee accommodation had been destroyed to permit the construction of these roads, were forced to leave for the West Bank and El Arish, while a few were said to have sought refuge with other families inside Gaza (A/8389 and Corr. 1, para. 48 (h)).

18. Since the adoption of its second report, on 17 September 1971, the Special Committee has taken note of reports appearing subsequently in several newspapers, in letters addressed by Governments, as well as in two special reports prepared by the Commissioner-General of UNRWA on the effect on Palestine refugees of these operations (A/8383 and Add. 1). These reports show that thousands of dwellings have been demolished in the three major refugee camps in Gaza and that their inhabitants dispersed to various areas and, in many instances deprived of the humanitarian assistance they were receiving from UNRWA. This was later confirmed in the statement made by the delegate of Israel in the Special Political Committee at its 788th meeting, on 26 November 1971.

19. Subsequent to the above reports, another report, which appeared in the *Jerusalem Post* on 21 October 1971, stated that the Israeli authorities had decided to move, "on a voluntary basis," in 1972, another 3,000 families from the refugee camps in Gaza to permanent housing. According to this report, 2,000 families were to be resettled in the suburbs of Gaza Strip towns and about another 1,000 families would be moved to the West Bank. The report states that this move was to be completed by the spring of 1972 with a view to relieving congestion in the camps. The same report quotes the authorities as stating that they would be forced to resume "thinning out" operations in the refugee camps if this resettlement plan were opposed. According to the report, the new homes would cost LI 3,000 each and would be financed by the Military Government, UNRWA and the refugees themselves. In a report appearing in the *Jerusalem Post* on 22 October 1971, a spokesman for the Defence Ministry was quoted as denying the manner in which the alternative housing was being provided and the source of the financing of these new homes. The Special Committee notes that this official spokesman does not, however, deny the avowed intention of the Government of Israel to move 3,000 families from the refugee camps by next spring.

20. In this context, the Special Committee considers that these proposed transfers, as well as those that have taken place so far during the "thinning out" operations, are unwarranted. The Special Committee would wish to reiterate the view expressed in its second report that security reasons offer no justification for the arbitrary transfer of population to enable the Occupying Power to construct new roads in the area so evacuated. The Special Committee considers the arbitrary transfer of population as unnecessary, unjustified and in breach of the Fourth Geneva Convention.

21. In its second report, the Special Committee made reference to the so-called summer visitors programme, which permits Palestinians living outside the occupied territories to visit relatives and friends during the three-month summer period. The Special Committee noted that the delegate of Israel, in the debate on the Special Committee's report during the twenty-fifth session of the General Assembly, had referred to this programme as an indication of his Government's policy in the occupied territories. In its second report, the Special Committee stated that, although the summer visitors programme may be considered as a positive aspect of Israeli policy towards the territories it occupies, it is no substitute for recognition of the right of the refugees to return to their home, nor does it have any bearing whatsoever on the declared policy of the Government of Israel to settle occupied territories and on the fact that several hundred persons had been deported from their homes in the occupied territories on official deportation orders purporting to be issued by the Israeli authorities under the Defence (Emergency) Regulations, 1945 (A/8389 and Corr. 1, para. 74).

22. In this connexion, the Special Committee notes the statement made by the delegate of Israel in the Special Political Committee at its 788th meeting, as well as reports according to which the summer visitors programme for 1971 had been between 80,000 and 106,000 visitors. The Special Committee notes that the programme ended in mid-September 1971 and that all visitors had left the occupied territories. On 3 October 1971, the *Jerusalem Post* reported that several thousand Arab summer visitors before leaving, had asked to remain in the occupied territories. The report quotes the Military Governor of the West Bank as stating that such requests would be given consideration under the family reunion arrangements.

C. Allegations of ill-treatment while under detention

23. In its second report to the Secretary-General, (A/8389 and Corr. 1, para. 64) the Special Committee referred, inter alia, to the case of Moayyad Osman Badawi El-Bahsh, 22 years of age, who was arrested in December 1967 in Nablus and deported on 7 September 1970. The Special Committee stated that El-Bahsh had appeared before it at Beirut, on 14 July 1971. At the time, he was still undergoing treatment in London. The witness' left arm showed signs of complete paralysis and he alleged that this was due to the ill-treatment that he had suffered upon his arrest. El-Bahsh had informed the Committee that he had been subjected to electric torture, with clips placed on his ears and genitals and a band around the head, and that he had also been stretched with one arm tied to a post and another to a door which had been constantly opened and closed. He stated that he had been suspended by the wrists from a window and that a soldier had jumped up and down on the shackles holding his legs together, causing paralysis of the left arm. In this connexion, the Special Committee made reference to the evidence which Najib El-Ahmed, who appeared before it on 16 April 1970 and who had stated that he had met El-Bahsh in the infirmary in Nablus Prison in 1968, where they had spent more than 30 days together and that El-Bahsh had developed "partial paralysis of the left side right up to the shoulder." El-Bahsh informed the Special Committee that, in 1968, he had been visited in prison by a representative of Amnesty International.

24. In its second report, the Special Committee also stated that Amnesty International had sent a report on the case of El-Bahsh to the Government of Israel and, although this report had not been produced at that time, the Special

Committee had received from Amnesty International a copy of the Government of Israel's comments on the case. The Special Committee quoted the opinion of the Israeli doctors as contained in the Government of Israel's reply to Amnesty International according to which, "medical tests had proved that from an objective point of view there were no signs of paralysis or injury caused to the left arm as claimed" and El-Bahsh's condition appeared to be one of hysterical paralysis, "where the mental state of the patient seemingly causes paralysis, without there being any objective evidence of damage to the nerves." Furthermore, the Special Committee quoted the report of the Israeli doctors which stated,

From the X-ray taken of Moayid [El-Bahsh] on 18 February 1968 and subsequent medical tests, it is apparent that there is no basis to the complaint that his left arm had been broken 'in camp' between 24 and 29 January 1968.

It was similarly proved by the medical evidence that during the period between 24 January and 8 March 1968, Moayid had not suffered from a break or fracture in his left shoulder or arm.

25. As of 17 September 1971, the Special Committee was still awaiting the report of the doctors by whom El-Bahsh was being treated when he appeared before the Special Committee. Since the date of the adoption of its second report (17 September 1971), the Special Committee has received a copy of the original report that Amnesty International sent to the Government of Israel, as well as the report of Dr. T.H.H. Wade, dated 8 July 1971, both of which are on El-Bahsh. In his report, Dr. Wade diagnosed the condition as one of hysterical paralysis as far as the left arm was concerned; Dr. Wade further stated that, regarding the left arm, a second doctor, Mr. Donald Brooks, had independently made the diagnosis of hysterical or feigned paralysis. The report of Dr. Wade also contained a description of his observations as a result of a complete examination of El-Bahsh.

26. In the light of the evidence available, the Special Committee does not feel that it is in a position to determine whether or not, in fact, El-Bahsh had been subjected to the extreme forms of ill-treatment that he alleged before the Special Committee. The Special Committee cannot, however, rule out the possibility that paralysis was due to a mental state that was itself the result of some form of physical ill-treatment or psychological strain while under detention. The report of Amnesty International to the Government of Israel, the report communicated by the Government of Israel to Amnesty International, and the report by Dr. T.H.H. Wade, appear as annexes I, II and III below.

27. In the interim period since 17 September 1971, the Special Committee has received reports that a riot occurred in Ashkelon Prison on 30 September. According to these reports, the riot lasted for three hours and it was staged by the 480 prisoners who are held at Ashkelon. A report on this riot appearing in the *Jerusalem Post*, on 3 October 1971, attributes it to the lack of suitable facilities for the prisoners who serve long sentences of 15 years and over. The report attributes to Mr. Arye Nir, Prison Commissioner, a statement to the effect that the only workshop facility for the prison was outside the prison walls and that this could only accommodate about half the prison population, which was approximately 500 men. The Commissioner is reported as stating that this meant that between 250 and 300 inmates spend 23 hours a day in their cells. The same report states that most of the prisoners at Ashkelon are serving life sentences.

28. The Special Committee notes that, in an interview reported on 12 October 1971, the Minister of Police, Mr. Shlomo Hillel, was reported as stating that the Prison Commissioner, Mr. A. Nir, had appointed a special committee to investigate the riot and that the report of this investigation would be "internal and technical"

and that it would not be released to the public. The report quotes the Minister as stating that the immediate causes of the riot were overcrowding, a shortage of staff, and the fact that the prisoners at Ashkelon consisted of "senior terrorist leaders and other dangerous types."

29. The Special Committee has no evidence that confirms or refutes the allegations made by persons who subsequently visited the prison at Ashkelon that the inmates had been ill-treated by way of reprisal for the riot. No disclosure has been made of the results of the investigation conducted at the behest of the Prison Commissioner. The Special Committee notes that a request by mayors from West Bank towns to visit the prison were turned down, as well as a request by a public delegation of citizens from Nablus, headed by the Mayor of Nablus, Mr. Haj Ma'azoud Al-Masri, which urged that the Knesset Committee of "neutral" parliamentarians be formed to investigate the conditions at the Ashkelon Prison. According to a report appearing in the *Jerusalem Post* on 15 October 1971, the Minister of Defence, Moshe Dayan, rejected this request and he is reported to have stated that he was opposed to the appointment of a public investigation committee. The same report states, that, following two sit-down strikes by relatives of inmates, and as a reprisal for these demonstrations, the Defence Minister decided that no citizens of Nablus would be allowed to visit relatives being held in Israeli prisons on the next scheduled visit, which was due in two weeks' time.

30. In its second report, the Special Committee expressed its conviction that general prison conditions, despite reported efforts at improvement were stated to be bad and that this was mainly due to overcrowding (A/8389 and Corr. 1, para. 77). The information quoted above confirms this finding.

D. Other allegations

31. In its second report, the Special Committee noted that periodic mass arrests of young men were continuing and quoted instances where such arrests had taken place (A/8389 and Corr. 1, para. 70).

32. The Special Committee notes further reports appearing in the press, according to which this practice has not ceased. On 27 September 1971, the *Jerusalem Post* reported that 90 persons had been arrested during the month of September in the area north of Hebron. These arrests, according to the report, were made in groups of 19, 36 and 35. According to the Israeli news agency *Itim*, in the four months ending September 1971, approximately 400 residents of the West Bank had been detained on suspicion of various illegal acts.

33. In this connexion, the Special Committee would reiterate the conclusion reached in its second report that, whatever their avowed purpose, these mass arrests were clearly calculated in part to be a means of destroying the morale of the people of the occupied territories (A/8389 and Corr. 1, para. 79).

II. ADDITION TO RECOMMENDATION MADE IN CHAPTER V OF THE
SPECIAL COMMITTEE'S SECOND REPORT

34. In its report, presented to the Secretary-General on 17 September 1971, the Special Committee recommended an arrangement (A/8389 and Corr. 1, para. 91) whereby:

(a) The States whose territory is occupied by Israel appoint immediately either a neutral State or States, or an international organization which offers all guarantees of impartiality and effectiveness, to safeguard the human rights of the population of the occupied territories;

(b) Suitable arrangements be made for the proper representation of the interests of the large population in the occupied territories which has not been given the opportunity of exercising the right of self-determination; and

(c) A neutral State or international organization, as described in (a) above, be nominated by Israel and be associated in this arrangement.

35. The Special Committee further recommended that, under this arrangement, the State or States or international organization so nominated might be authorized to undertake the following activities:

(a) To secure the scrupulous implementation of the provisions relating to human rights contained in the Third and Fourth Geneva Conventions and in particular to investigate and determine the facts in the case of allegations of the violation of the human rights provisions of these Conventions or of any other applicable international instruments;

(c) To report to the States concerned and to the General Assembly of the United Nations on its work.

36. The Special Committee made this recommendation in the hope that the investigation

of allegations of violations of human rights could be conducted on the spot, inside the occupied territories, something which could not be accomplished by the Special Committee itself owing to the Government of Israel's refusal to receive the Committee or to co-operate with it. Since making this recommendation, the Special Committee notes that the International Committee of the Red Cross, after giving careful consideration to the question of the reinforcement of the implementation of the existing (Geneva) Conventions, has arrived at the conclusion that all tasks falling to a Protecting Power under the Conventions could be considered humanitarian functions and also notes that ICRC expressed itself ready to assume all the functions envisaged for Protecting Powers in the Conventions.¹ The Special Committee, while acknowledging the conclusion reached by the International Committee regarding its new role as a Protecting Power, considers that the humanitarian duties at present being carried out by ICRC in the occupied territories, even with the limitations imposed upon it, should continue. As understood by the Special Committee, the role of a Protecting Power under the Conventions goes beyond the scope of the humanitarian duties performed by ICRC in its traditional role. The effective discharge of the Protecting Power's duties and responsibilities as contemplated by the Geneva Conventions would require ICRC, in its role as a Protecting Power, to free itself from the restraints which it has found necessary to observe in order to preserve its privileged position under its traditional role. The various resolutions adopted by the organs of the United Nations since 1967 indicate the interest, concern and sense of responsibility of the United Nations in relation to the question of alleged violations of human

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See the *Report on the Work of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts* (Geneva, 24 May - 12 June 1971), para. 553.

rights in the occupied territories in the Middle East. The Special Committee is of the view, therefore, that it would be necessary and proper for ICRC to keep the United Nations fully informed, through the Secretary-General, of its activities as a Protecting Power in addition to reporting to the States whose nationals it has been appointed to protect.

37. The Special Committee welcomes ICRC's expression of its willingness to assume the role of a Protecting Power as a development that facilitates the implementation of the recommendation contained in its first¹ and second (A/8389 and Corr. 1) reports and it would hope that the appropriate arrangements would be made to enable ICRC to begin forthwith the exercise of the functions of a Protecting Power in the interests of safeguarding the human rights of the population of the occupied territories in the Middle East.

38. For these reasons, the Special Committee feels that the General Assembly might:

(a) Request the Secretary-General to inform the parties concerned of ICRC's readiness to take upon itself all the functions envisaged for Protecting Powers in the Geneva Conventions, and to invite them to avail themselves of the services of ICRC in dealing with the application of the provisions of the Geneva Conventions in the occupied territories in the Middle East;

(b) Request ICRC to consider the need for keeping the United Nations fully informed, through the Secretary-General, of its activities as a Protecting Power, in addition to reporting to the parties concerned.

(c) Reconsider the mandate of the Special Committee as to whether or not there is need for the continuation of its activities, once ICRC begins, in fact, to function as a Protecting Power.

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Official Records of the General Assembly, Twenty-fifth Session, Agenda Item 101, Document A/8089.

III. ADOPTION OF THE REPORT

39. This supplementary report was adopted unanimously by the Special Committee on 11 December 1971 after it had met from 7 to 11 December 1971 to consider supplementary information reaching the Special Committee after 17 September 1971, when it adopted its second report (A/8389 and Corr. 1).

(Signed) H.S. AMERASINGHE (Ceylon)

(Signed) A. A. FARAH (Somalia)

(Signed) B. BOHTE (Yugoslavia)

[Annexes Not Reproduced]

UNITED NATIONS RESOLUTIONS

4. Resolution 194 (III) Establishing a Conciliation Commission and
Affirming the Rights of Return and Compensation of the Palestine
Refugees¹

December 11, 1948

The General Assembly:

Having considered further the situation in Palestine,

1. *Expresses* its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and

Extends its thanks to the Acting Mediator and his staff for their continued efforts and devotion to duty in Palestine;

2. *Establishes* a Conciliation Commission consisting of three States Members of the United Nations which shall have the following functions:

(a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948;

(b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council;

¹

Official Records of the General Assembly, Third Session, Resolutions.

21 September-12 December 1948, Part I, pp. 21-25.

(c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated;

3. *Decides* that a Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly, a proposal concerning the names of the three States which will constitute the Conciliation Commission;¹

4. *Requests* the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;

5. *Calls upon* the Governments and authorities concerned to extend the scope of negotiations provided for in the Security Council's resolution of 16 November 1948 and to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;

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At the 186th plenary meeting on 11 December 1948, a committee of the Assembly consisting of the five States designated in paragraph 3 of [this] resolution, proposed that the following three States should constitute the Conciliation Commission: France, Turkey, United States of America. The proposal of the committee having been adopted by the General Assembly at the same meeting, the Conciliation Commission is therefore composed of the above-mentioned three States.

6. *Instructs* the Conciliation Commission to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them;

7. *Resolves* that the Holy Places - including Nazareth - religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

8. *Resolves* that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem *plus* the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern Shu'fat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control;

Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date;

Instructs the Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups

consistent with the special international status of the Jerusalem area:

The Conciliation Commission is authorized to appoint a United Nations representative, who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area;

9. *Resolves* that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine;

Instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;

10. *Instructs* the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities;

11. *Resolves* that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with

the appropriate organs and agencies of the United Nations;

12. *Authorizes* the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolutions;

The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number of guards for the protection of the staff and premises of the Commission;

13. *Instructs* the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations;

14. *Calls upon* all Governments and authorities concerned to co-operate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution;

15. *Requests* the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

Adopted at the 186th meeting.

5. Resolutions Recalling and Reaffirming the Rights of the
Palestine Refugees to Repatriation and/or Compensation (Excerpts)¹
1949-1965

A. RESOLUTION 302 (IV)²
December 8, 1949

The General Assembly:

Recalling its resolutions 212 (III) of 19 November 1948 and 194 (III) of 11 December 1948, affirming in particular the provisions of paragraph 11 of the latter resolution,

.

5. *Recognizes* that, without prejudice to the provisions of paragraph 11³ of General Assembly resolution 194 (III) of 11 December 1948, continued assistance for the relief of the Palestine refugees is necessary to prevent conditions of starvation and distress among them and to further conditions of peace and stability, and that constructive measures should be undertaken at an early date with a view to the termination of international assistance for relief;

.

¹ The original paragraph numbers of the resolutions have been retained.

² U.N. Document A/1251 and Corr. 1 and 2: Resolutions of General Assembly, 4th Session, 20 September to 10 December 1949, pp 23-25.

³ This paragraph reads: "The General Assembly, *Resolves* that the refugees wishing to return to their homes and live in peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible."

General Assembly Resolutions

7. *Establishes* the United Nations Relief and Works Agency for Palestine Refugees in the Near East:

(a) To carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission;

(b) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available;

.

20. *Directs* the United Nations Relief and Works Agency for Palestine Refugees in the Near East to consult with the United Nations Conciliation Commission for Palestine in the best interests of their respective tasks with particular reference to paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948;

.

Adopted at the 273rd meeting.

B. RESOLUTION 513 (VI)¹
January 26, 1952

The General Assembly:

Recalling its resolution 302 (IV) of 8 December 1949, as amended by resolution 393 (V) of 2 December 1950,

.

2. *Endorses*, without prejudice to the provisions of paragraph 11 of resolution 194 (III) of 11 December 1948 or to the provisions of paragraph 4 of resolution 393 (v) of 2 December 1950 relative to reintegration either by repatriation or

¹

U.N. Document A/2119: Resolutions of General Assembly, Sixth Session, Supplement No. 20, 6 November 1951 to 5 February 1952, pp. 12-13.

resettlement, the programme recommended by the United Nations Relief and Works Agency for the relief and reintegration of Palestine refugees, which envisages the expenditure of \$50 million for relief and \$200 million for reintegration over and above such contributions as may be made by local governments, to be carried out over a period of approximately three years starting as of 1 July 1951;

.

Adopted at the 365th meeting.

C. RESOLUTION 614 (VII)¹
November 6, 1952

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) of 2 December 1950 and 513 (VI) of 26 January 1952,

.

Having in mind the goals for the reduction of relief expenditure envisaged in the three-year \$250 million relief and reintegration programme, approved by the General Assembly in its resolution 513 (VI) without prejudice to the provisions of paragraph 11 of resolution 194 (III) or to the provisions of paragraph 4 of resolution 393 (V) relative to reintegration either by repatriation or resettlement,

Recognizing that immediate realization of these goals has not proved possible and that increased relief expenditures are therefore required, with a resultant reduction in the reintegration funds,

1. *Authorizes* the United Nations Relief and Works Agency for Palestine Refugees in the Near East to increase the budget for relief to \$23 million for the fiscal

¹
U.N. Document A/2361: Resolutions of General Assembly, Seventh Session, Supplement No. 20, 14 October to 21 December 1952, pp. 7-8.

year ending 30 June 1953, and to make such further adjustments as it may deem necessary to maintain adequate standards; and to adopt a budget for relief of \$18 million for the fiscal year ending 30 June 1954 which shall be subject to review at the eighth session of the General Assembly;

.

Adopted at the 391st meeting.

D. RESOLUTION 720 (VIII)¹
November 27, 1953

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) of 2 December 1950, 513 (VI) of 26 January 1952 and 614 (VII) of 6 November 1952,

.

Noting also that the situation of the refugees continues to be a matter of grave concern,

1. *Decides*, without prejudice to the provisions of paragraph 11 of resolution 194 (III), or to the provisions of paragraph 4 of resolution 393 (V), that the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East shall be extended until 30 June 1955, and that its programme shall be again subject to review at the ninth session of the General Assembly;

.

Adopted at the 458th meeting.

¹

U.N. Document A/2630: Resolutions of the General Assembly, Eighth Session, Supplement No. 17, 15 September to 9 December 1953, p. 6.

- E. RESOLUTION 818 (IX)¹
December 4, 1954

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) of 2 December 1950, 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952 and 720 (VIII) of 27 November 1953,

.

Noting that repatriation or compensation of the refugees, as provided for in paragraph 11 of resolution 194 (III), has not been effected and that the situation of the refugees continues to be a matter of grave concern,

1. *Decides*, without prejudice to the rights of the refugees to repatriation or compensation, to extend the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for five years ending 30 June 1960;
2. *Requests* the Agency to continue its consultation with the United Nations Conciliation Commission for Palestine in the best interest of their respective tasks, with particular reference to paragraph 11 of resolution 194 (III);

.

Adopted at the 503rd meeting.

¹

U.N. Document A/2890: Resolutions of the General Assembly, Ninth Session, Supplement No. 21, 21 September to 17 December 1954, pp. 8-9.

F. RESOLUTION 916 (X)¹
December 3, 1955

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) of 2 December 1950, 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953 and 818 (IX) of 4 December 1954,

Noting that repatriation or compensation of the refugees as provided for in paragraph 11 of resolution 194 (III), has not been effected, that no substantial progress has been made in the programme for reintegration of refugees endorsed in paragraph 2 of resolution 513 (VI) and that the situation of the refugees therefore continues to be a matter of grave concern,

.

2. *Requests* the Agency to continue its consultations with the United Nations Conciliation Commission for Palestine in the best interest of their respective tasks, with particular reference to paragraph 11 of resolution 194 (III);

3. *Requests* the Governments of the area, without prejudice to paragraph 11 of resolution 194 (III), to make a determined effort, in co-operation with the Director of the Agency, to seek and carry out projects capable of supporting substantial numbers of refugees;

.

Adopted at the 550th meeting.

¹ U.N. Document A/3116: Resolutions of the General Assembly, Tenth Session, Supplement No. 19, 20 September to 20 October 1955, pp. 7-8.

- G. RESOLUTION 1018 (XI)¹
February 28, 1957

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) of 2 December 1950, 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954 and 916 (X) of 3 December 1955,

.

Noting that repatriation or compensation of the refugees, as provided for in paragraph 11 of resolution 194 (III), has not been effected, that no substantial progress has been made in the programme endorsed in paragraph 2 of resolution 513 (IV) for the reintegration of refugees and that, therefore, the situation of the refugees continues to be a matter of serious concern,

.

3. *Requests* the Governments of the area, without prejudice to paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948, in co-operation with the Director of the Agency, to plan and carry out projects capable of supporting substantial numbers of refugees;

4. *Requests* the Agency to continue its consultations with the United Nations Conciliation Commission for Palestine in the best interest of their respective tasks, with particular reference to paragraph 11 of resolution 194 (III);

5. *Decides* to retain the rehabilitation fund and authorizes the Director of the Agency, at his discretion, to disburse such monies as may be available to the

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U.N. Document A/3572 and Corr. 1: Resolutions of General Assembly, Eleventh Session, Supplement No. 17, 12 November 1956 to 8 March 1957, pp. 6-7.

individual host Governments for general economic development projects, subject to agreement by any such Government that, within a fixed period of time, it will assume financial responsibility for an agreed number of refugees, such number to be commensurate with the cost of the project, without prejudice to paragraph 11 of resolution 194 (III);

.

Adopted at the 663rd meeting.

H. RESOLUTION 1191 (XII)¹
December 12, 1957

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) of 2 December 1950, 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955 and 1018 (XI) of 28 February 1957,

.

Noting that repatriation or compensation of the refugees, as provided for in paragraph 11 of resolution 194 (III), has not been effected, that no substantial progress has been made in the programme endorsed in paragraph 2 of resolution 513 (VI) for the reintegration of the refugees and that therefore the situation of the refugees continues to be a matter of serious concern.

.

3. *Directs* the Agency to pursue its programme for the relief and rehabilitation

¹ U.N. Document A/3805: Resolutions of the General Assembly, Twelfth Session, Supplement No. 18, 17 September to 14 December 1957, pp. 7-8.

of the refugees, bearing in mind the response to paragraphs 1 and 2 above;

.

5. *Requests* the Governments of the area, without prejudice to paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948, in co-operation with the Director of the Agency, to plan and carry out projects capable of supporting substantial numbers of refugees;

6. *Requests* the Agency to continue its consultations with the United Nations Conciliation Commission for Palestine in the best interest of their respective tasks, with particular reference to paragraph 11 of resolution 194 (III);

.

Adopted at the 728th meeting.

I. RESOLUTION 1315 (XIII)¹
December 12, 1958

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) of 2 December 1950, 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955, 1018 (XI) of 28 February 1957, and 1191 (XII) of 12 December 1957,

Noting with regret that repatriation or compensation of the refugees, as provided for in paragraph 11 of General Assembly resolution 194 (III), has not been effected, that no substantial progress has been made in the programme endorsed

¹

U.N. Document A/4090: Resolutions of the General Assembly, Thirteenth Session, Supplement No. 18, 16 September to 13 December 1958, p. 9.

in paragraph 2 of Assembly resolution 513 (VI) for the reintegration of refugees and that, therefore, the situation of the refugees continues to be a matter of serious concern,

.

4. *Requests* the Director of the Agency, without prejudice to paragraph 11 of General Assembly resolution 194 (III), to plan and carry out projects capable of supporting substantial numbers of refugees and, in particular, programmes relating to education and vocational training;

.

6. *Requests* the Agency to continue its consultations with the United Nations Conciliation Commission for Palestine in the best interests of their respective tasks, with particular reference to paragraph 11 of resolution 194 (III);

.

Adopted at the 788th meeting.

J. RESOLUTION 1456 (XIV)¹
December 9, 1959

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) of 2 December 1950, 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955, 1018 (XI) of 28 February 1957, 1191 (XII) of 12 December 1957 and 1315 (XIII) of 12 December 1958,

.

¹

U.N. Document A/4354: Resolutions of the General Assembly, Fourteenth Session, Supplement No. 16, 15 September to 13 December 1959, p. 8.

Noting with deep regret that repatriation or compensation of the refugees, as provided for in paragraph 11 of General Assembly resolution 194 (III), has not been effected, and that no substantial progress has been made in the programme endorsed in paragraph 2 of resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern,

.

4. *Requests* the United Nations Conciliation Commission for Palestine to make further efforts to secure the implementation of paragraph 11 of General Assembly resolution 194 (III);

.

Adopted at the 851st meeting.

K. RESOLUTION 1604 (XV)¹
April 21, 1961

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) of 2 December 1950, 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955, 1018 (XI) of 28 February 1957, 1191 (XII) of 12 December 1957, 1315 (XIII) of 12 December 1958 and 1456 (XIV) of 9 December 1959,

.

Noting with deep regret that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III) has not

been effected, that no substantial progress has been made in the programme endorsed in paragraph 2 of resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern,

Notes with regret that the United Nations Conciliation Commission for Palestine has not yet been able to report progress on carrying out the task entrusted to it in paragraph 4 of General Assembly resolution 1456 (XIV), and again requests the Commission to make efforts to secure the implementation of paragraph 11 of General Assembly resolution 194 (III) and report thereon not later than 15 October 1961;

.

Adopted at the 993rd meeting.

L. RESOLUTION 1725 (XVI)¹
December 20, 1961

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) and 394 (V)² of 2 and 14 December 1950, 512 (VI) 62 and 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955, 1018 (XI) of 28 February 1957, 1191 (XII) of 12 December 1957, 1315 (XIII) of 12 December 1958, 1465 (XIV) of 9 December 1959, and 1604 (XV) of 21 April 1961,

.

1

U.N. Document A/5100: Resolutions of the General Assembly, Sixteenth Session, Supplement No. 17, 19 September 1961 to 23 February 1962, Vol. I, p. 11.

2

For text, see Part I, Section C - Conciliation, item 4, pp. 43-44.

Noting with deep regret that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III) has not been effected, that no substantial progress has been made in the programme endorsed in paragraph 2 of resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern,

1. *Takes note* of the efforts of the United Nations Conciliation Commission for Palestine, pursuant to the request contained in General Assembly resolutions 1456 (XIV) and 1604 (XV), to secure the implementation of paragraph 11 of Assembly resolution 194 (III); and

(a) *Requests* the Commission to intensify its efforts for the implementation of paragraph 11 of resolution 194 (III) and urges the Arab host Governments and Israel to co-operate with the Commission in this regard;

(b) *Further requests* the Commission to intensify its work on the identification and evaluation of Arab refugee immovable properties in Palestine as of 15 May 1948, and to make every effort to complete this work by 1 September 1962;

.

Adopted at the 1086th meeting.

M. RESOLUTION 1856 (XVII)¹
December 20, 1962

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of

¹

U.N. Document A/5217: Resolutions of the General Assembly, Seventeenth Session, Supplement No. 17, 18 September to 20 December 1962, p. 11.

8 December 1949, 393 (V) and 394 (V) of 2 and 14 December 1950, 512 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955, 1018 (XI) of 28 February 1957, 1191 (XII) of 12 December 1957, 1315 (XIII) of 12 December 1958, 1456 (XIV) of 9 December 1959, 1604 (XV) of 20 April 1961 and 1725 (XVI) of 20 December 1961,

.

Noting with deep regret that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III) has not been effected, that no substantial progress has been made in the programme endorsed in paragraph 2 of resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern,

.

2. *Expresses its thanks* to the United Nations Conciliation Commission for Palestine for its efforts to find a way to progress on the Palestine Arab refugee problem pursuant to paragraph 11 of General Assembly resolution 194 (III), and requests the Commission to continue its endeavours with the Member States directly concerned;

.

Adopted at the 1200th meeting.

N. RESOLUTION 1912 (XVIII)¹
December 3, 1963

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December

¹

U.N. Document A/5515: Resolutions of the General Assembly, Eighteenth Session, Supplement No. 15, 17 September to 17 December 1963, p. 20.

1949, 393 (V) and 394 (V) of 2 and 14 December 1950, 512 (VI) and 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955, 1018 (XI) of 28 February 1957, 1911 (XII) of 12 December 1957, 1315 (XIII) of 12 December 1958, 1456 (XIV) of 9 December 1959, 1604 (XV) of 21 April 1961, 1725 (XVI) of 20 December 1961, and 1856 (XVII) of 20 December 1962,

.

Noting with deep regret that the repatriation or compensation of the refugees as provided for in paragraph 11 of resolution 194 (III) has not been effected, that no substantial progress has been made in the programme endorsed in paragraph 2 of resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern,

.

4. *Calls on* the United Nations Conciliation Commission for Palestine to continue its efforts for the implementation of paragraph 11 of resolution 194 (III);

.

Adopted at the 1269th meeting.

0. RESOLUTION 2052 (XX)¹
December 15, 1965

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) and 394 (V) of 2 and 14 December 1950, 512 (VI) and

¹ U.N. Document A/6014: Resolutions of the General Assembly, Twentieth Session, Supplement No. 14, 21 September to 22 December 1965, p. 15.

513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955, 1018 (XI) of 28 February 1957, 1191 (XII) of 12 December 1957, 1315 (XIII) of 12 December 1958, 1456 (XIV) of 9 December 1959, 1604 (XV) of 21 April 1961, 1725 (XVI) of 20 December 1961, 1856 (XVII) of 20 December 1962, 1912 (XVIII) of 3 December 1963 and 2002 (XIX) of 10 February 1965.

.

1. *Notes with deep regret* that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III) has not been effected, that no substantial progress has been made in the programme endorsed in paragraph 2 of Resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern;

.

7. *Calls upon* the United Nations Conciliation Commission for Palestine to intensify its efforts for the implementation of paragraph 11 of Resolution 194 (III) and to report thereon as appropriate and not later than 1 October 1966;

8. *Decides* to extend, without prejudice to the provisions of paragraph 11 of Resolution 194 (III), the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East until 30 June 1969.

Adopted at the 1395th meeting.

P. RESOLUTION 2154 (XXI)¹
November 18, 1966

The General Assembly:

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8

¹ U.N. Document A/PV. 1469: Official Records of General Assembly, Twenty-first Session, 17 November 1966.

December 1949, 393 (V) and 394 (V) of 2 and 14 December 1950, 512 (VI) and 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955, 1018 (XI) of 28 February 1957, 1191 (XII) of 12 December 1957, 1315 (XIII) of 12 December 1958, 1456 (XIV) of 9 December 1959, 1604 (XV) of 21 April 1961, 1725 (XVI) of 20 December 1961, 1856 (XVII) of 20 December 1962, 1912 (XVIII) of 3 December 1963, 2002 (XIX) of 10 February 1965 and 2052 (XX) of 15 December 1965,

.

1. *Notes with deep regret* that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III) has not been effected, that no substantial progress has been made in the programme endorsed in paragraph 2 of Resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern;

.

7. *Notes with regret* that the United Nations Conciliation Commission for Palestine was unable, because of the unchanged situation in the area, to find a means to achieve progress on the implementation of paragraph 11 of General Assembly resolution 194 (III) and calls upon the Governments concerned to co-operate so that the Commission may continue its efforts towards that end;

8. *Calls upon* the United Nations Conciliation Commission for Palestine to intensify its efforts for the implementation of paragraph 11 of resolution 194 (III) and to report thereon as appropriate and not later than 1 October 1967.

Adopted at the 1469th meeting.

6. Resolution 393 (V) Establishing a Reintegration Fund
for Assistance to the Palestine Refugees¹

December 2, 1950

The General Assembly:

Recalling its resolution 302 (IV) of 8 December 1949,

Having examined the report² of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and the report³ of the Secretary-General concerning United Nations Relief for Palestine Refugees,

1. *Notes* that contributions sufficient to carry out the programme authorized in paragraph 6 of resolution 302 (IV) have not been made, and urges governments which have not yet done so to make every effort to make voluntary contributions in response to paragraph 13 of that resolution;

2. *Recognizes* that direct relief cannot be terminated as provided in paragraph 6 of resolution 302 (IV);

3. *Authorizes* the Agency to continue to furnish direct relief to refugees in need, and considers that, for the period 1 July 1951 to 30 June 1952, the equivalent of approximately \$20 million will be required for direct relief to refugees who are not yet reintegrated into the economy of the Near East;

4. *Considers* that, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948, the reintegration of the refugees

¹ *Official Records of the General Assembly, Fifth Session, Supplement No. 20 (A/1775), pp. 22-23.*

² U.N. Documents A/1451 and A/145/Corr. 1.

³ U.N. Document A/1452.

into the economic life of the Near East, either by repatriation or resettlement, is essential in preparation for the time when international assistance is no longer available, and for the realization of conditions of peace and stability in the area;

5. *Instructs* the Agency to establish a reintegration fund which shall be utilized for projects requested by any government in the Near East and approved by the Agency for the permanent re-establishment of refugees and their removal from relief;
6. *Considers* that, for the period 1 July 1951 to 30 June 1952, not less than the equivalent of \$30 million should be contributed to the Agency for the purposes set forth in paragraph 5 above;
7. *Authorizes* the Agency, as circumstances permit, to transfer funds available for the current relief and works programmes, and for the relief programme provided in paragraph 3 above, to reintegration projects provided for in paragraph 5;
8. (a) *Requests* the President of the General Assembly to appoint a Negotiating Committee composed of seven or more members¹ for the purpose of consulting, as soon as possible during the current session of the General Assembly, with Member and non-member States as to the amounts which governments may be willing to contribute on a voluntary basis towards:

1

In accordance with the terms of the above resolution, the President of the General Assembly, at the 318th plenary meeting on 4 December 1950, announced that he had appointed a Negotiating Committee composed of the following State Members: Canada, Egypt, France, India, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

- (i) the current programme for relief and works for the period ending 30 June 1951, bearing in mind the need for securing contributions from Member States which have not yet contributed;
- (ii) the programme of relief and reintegration projects as provided for in paragraphs 3 and 4 above for the year ending 30 June 1952;
- (b) *Authorizes* the Negotiating Committee to adopt procedures best suited

to the accomplishment of its task, bearing in mind:

- (i) the need for securing the maximum contribution in cash;
- (ii) the desirability of ensuring that any contribution in kind is of a nature which meets the requirements of the contemplated programmes;
- (iii) the importance of enabling the United Nations Relief and Works Agency for Palestine Refugees in the Near East to plan its programmes in advance and to carry them out with funds regularly contributed;
- (iv) the degree of assistance which can continue to be rendered by specialized agencies, non-member States and other contributors;

(c) *Requests* that, as soon as the Negotiating Committee has ascertained the extent to which Member States are willing to make contributions, all delegations be notified accordingly by the Secretary-General in order that they may consult with their governments;

(d) *Decides* that, as soon as the Negotiating Committee has completed its work, the Secretary-General shall at the Committee's request arrange, during the current session of the General Assembly, an appropriate meeting of Member and non-member States at which Members may commit themselves to their national contributions and the contributions of non-members may be made known.

9. *Authorizes* the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to advance funds, deemed to be available for this purpose and not exceeding \$5 million from the Working Capital Fund to finance operations pursuant to the present resolution, such sum to be repaid not later than 31 December 1951;

10. *Calls upon* the Secretary-General and the specialized agencies to utilize to the fullest extent the Agency's facilities as a point of reference and coordination for technical assistance programmes in the countries in which the Agency is operating;

11. *Expresses* its appreciation to the United Nations International Children's Emergency Fund, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the International Refugee Organization, the International Labour Organization and the Food and Agriculture Organization for the assistance which they have rendered, and urges them to continue to furnish all possible assistance to the Agency;

12. *Commends* the International Committee of the Red Cross, the League of Red Cross Societies, and the American Friends Service Committee for their available services and whole-hearted co-operation in the distribution of relief supplies until those functions were taken over by the Agency;

13. *Expresses* its thanks to the numerous religious, charitable and humanitarian organizations whose programmes have brought much needed supplementary assistance to the Palestine Refugees, and urges them to continue and expand to the extent possible, the work which they have undertaken on behalf of the refugees;

14. *Extends* its appreciation and thanks to the Director and staff of the Agency and the members of the Advisory Commission for their effective and devoted work.

Adopted at the 315th meeting.

7. Resolution 394 (V) Calling for Non-discriminatory Treatment
for the Palestine Refugees¹
December 14, 1950

The General Assembly:

Recalling its resolution 194 (III) of 11 December 1948,

Having examined with appreciation the general progress report² dated
2 September 1950, and the supplementary report³ dated 23 October 1950, of the
United Nations Conciliation Commission for Palestine,

Noting with concern:

(a) That agreement has not been reached between the parties on the final
settlement of the questions outstanding between them,

(b) That the repatriation, resettlement, economic and social rehabilitation
of the refugees and the payment of compensation have not been effected,

Recognizing that, in the interests of the peace and stability of the Near
East, the refugee question should be dealt with as a matter of urgency,

1. *Urges* the governments and authorities concerned to seek agreement by
negotiations conducted either with the Conciliation Commission or directly, with
a view to the final settlement of all questions outstanding between them;

2. *Directs* the United Nations Conciliation Commission for Palestine to establish
an office which, under the direction of the Commission, shall:

¹ *Official Records of the General Assembly, Fifth Session, Supplement No. 20*
(A/1775), p. 24.

² U.N. Documents A/1367 and A/1367/Corr. 1.

³ U.N. Document A/1367/Add. 1.

(a) Make such arrangements as it may consider necessary for the assessment and payment of compensation in pursuance of paragraph 11 of General Assembly resolution 19⁴ (III);

(b) Work out such arrangements as may be practicable for the implementation of the other objectives of paragraph 11 of the said resolution;

(c) Continue consultations with the parties concerned regarding measures for the protection of the rights, property and interests of the refugees;

3. *Calls upon* the governments concerned to undertake measures to ensure that refugees, whether repatriated or resettled, will be treated without any discrimination either in law or in fact.

Adopted at the 325th meeting.

8. Resolution 2443 (XXIII) Establishing a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories¹

December 19, 1968

The General Assembly:

Guided by the purposes and principles of the Charter of the United Nations and by the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,²

Mindful of the principle embodied in the Universal Declaration of Human Rights regarding the right of everyone to return to his own country, and recalling Security Council resolution 237 (1967) of 14 June 1967, General Assembly resolutions 2252 (ES-V) of 4 July 1967 and 2341 B (XXII) of 19 December 1967, Commission on Human Rights resolution 6 (XXIV) of 27 February 1968 and Economic and Social Council resolution 1336 (XLIV) of 31 May 1968, in which those United Nations organs called upon the Government of Israel, inter alia, to facilitate the return of those inhabitants who have fled the area of military operations since the outbreak of hostilities,

Recalling the telegram dispatched by the Commission on Human Rights on 8 March 1968, calling upon the Government of Israel to desist forthwith from acts

¹ *Official Records of the General Assembly, Twenty-third Session, Supplement No. 18 (A/7218), p. 50.*

² United Nations, *Treaty Series*, Vol. 75 (1950), No. 273.

of destroying homes of the Arab civilian population in areas occupied by Israel,

Recalling also Security Council resolution 259 (1968) of 27 September 1968, in which the Council expressed its concern for the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel, and deplored the delay in the implementation of Council resolution 237 (1967),

Noting resolution I on respect for and implementation of human rights in occupied territories, adopted by the International Conference on Human Rights on 7 May 1968, in which the Conference, inter alia:

(a) Expressed its grave concern at the violation of human rights in Arab territories occupied by Israel,

(b) Drew the attention of the Government of Israel to the grave consequences resulting from the disregard of fundamental freedoms and human rights in occupied territories,

(c) Called upon the Government of Israel to desist forthwith from acts of destroying homes of the Arab civilian population inhabiting areas occupied by Israel and to respect and implement the Universal Declaration of Human Rights and the Geneva Conventions of 12 August 1949 in occupied territories,

(d) Affirmed the inalienable rights of all inhabitants who have left their homes as a result of the outbreak of hostilities in the Middle East to return home, resume their normal life, recover their property and homes, and rejoin their families according to the provisions of the Universal Declaration of Human Rights,

1. *Decides* to establish a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, composed of three Member States;³

³ By a letter dated September 12, 1969, the Secretary-General was informed that Ceylon, Somalia and Yugoslavia had agreed to become members of the Committee.

2. *Requests* the President of the General Assembly to appoint the members of the Special Committee;
3. *Requests* the Government of Israel to receive the Special Committee, co-operate with it and facilitate its work;
4. *Requests* the Special Committee to report to the Secretary-General as soon as possible and whenever the need arises thereafter;
5. *Requests* the Secretary-General to provide the Special Committee with all the necessary facilities for the performance of its task.

Adopted at the 1748th meeting.

9. Resolution 2452 A, B and C (XXIII) Calling on Israel To Take Immediate Steps for the Return of Persons Displaced by the Arab-Israeli War of 1967¹
December 19, 1968

A

The General Assembly:

Recalling Security Council resolution 237 (1967) of 14 June 1967,

Reaffirming its resolution 2252 (ES-V) of 4 July 1967,

Taking note of the appeal made by the Secretary-General in the Special Political Committee on 11 November 1968,²

Convinced that the plight of the displaced persons could best be relieved by their speedy return to their homes and to the camps which they formerly occupied,

Emphasizing, consequently, the requirement for their speedy return,

1. *Calls upon* the Government of Israel to take effective and immediate steps for the return without delay of those inhabitants who have fled the areas since the outbreak of hostilities;
2. *Requests* the Secretary-General to follow the effective implementation of the present resolution and to report thereon to the General Assembly.

¹ *Official Documents of the General Assembly, Twenty-third Session, Supplement No. 18 (A/7218), pp. 21-22.*

² *Ibid.*, Special Political Committee, Meeting No. 612, para. 2-14.

B

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) and 394 (V) of 2 and 14 December 1950, 512 (VI) and 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955, 1018 (XI) of 28 February 1957, 1191 (XII) of 12 December 1957, 1315 (XIII) of 12 December 1958, 1456 (XIV) of 9 December 1959, 1604 (XV) of 21 April 1961, 1725 (XVI) of 20 December 1961, 1856 (XVII) of 20 December 1962, 1912 (XVIII) of 3 December 1963, 2002 (XX) of 15 December 1965, 2154 (XXI) of 17 November 1966 and 2341 (XXII) of 19 December 1967,

Noting the annual report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1967 to 30 June 1968,¹

1. *Notes with deep regret* that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III) has not been effected, that no substantial progress has been made in the programme endorsed in paragraph 2 of resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern;

2. *Expresses its thanks* to the Commissioner-General and the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for their continued faithful efforts to provide essential services for the Palestine refugees, and to the specialized agencies and private organizations for their valuable work in assisting the refugees;

¹ *Ibid.*, Supplement No. 13 (A/7213).

3. *Directs* the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue his efforts in taking such measures, including rectification of the relief rolls, as to assure, in co-operation with the Governments concerned, the most equitable distribution of relief based on need;
4. *Notes with regret* that the United Nations Conciliation Commission for Palestine was unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194 (III), and requests the Commission to exert continued efforts towards the implementation thereof;
5. *Directs attention* to the continuing critical financial position of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as outlined in the Commissioner-General's report;
6. *Notes with concern* that, despite the commendable and successful efforts of the Commissioner-General to collect additional contributions to help relieve the serious budget deficit of the past year, contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East continue to fall short of the funds needed to cover essential budget requirements;
7. *Calls upon* all Governments as a matter of urgency to make the most generous efforts possible to meet the anticipated needs of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, particularly in the light of the budgetary deficit projected in the Commissioner-General's report, and therefore urges non-contributing Governments to contribute and contributing Governments to consider increasing their contributions;

8. *Decides* to extend until 30 June 1972, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III), the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

C

The General Assembly,

Recalling its resolutions 2252 (ES-V) of 4 July 1967 and 2341 E (XXII) of 19 December 1967,

Taking note of the annual report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1967 to 30 June 1968,¹

Taking note also of the appeal made by the Secretary-General in the Special Political Committee on 11 November 1968,²

Concerned about the continued human suffering as a result of the June 1967 hostilities in the Middle East,

1. *Reaffirms* its resolutions 2252 (ES-V) and 2341 B (XXII);
2. *Endorses*, bearing in mind the objectives of those resolutions, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and are in serious need of continued assistance as a result of the June 1967 hostilities;

1

Ibid.

2

Ibid., Special Political Committee, Meeting No. 612, para. 2-14.

3. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and to the other inter-governmental and non-governmental organizations concerned.

Adopted at the 749th meeting.

10. Resolution 2535 A, B and C (XXIV) Noting the Work of UNRWA
and Drawing Attention to the Grave Situation Resulting from
Israeli Policies and Practices in the Occupied Territories¹
December 10, 1969

A

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) and 394 (V) of 2 and 14 December 1950, 512 (VI) and 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955, 1018 (XI) of 28 February 1957, 1191 (XII) of 12 December 1957, 1315 (XIII) of 12 December 1958, 1456 (XIV) of 9 December 1959, 1604 (XV) of 21 April 1961, 1725 (XVI) of 20 December 1961, 1856 (XVII) of 20 December 1962, 1912 (XVIII) of 3 December 1963, 2002 (XIX) of 10 February 1965, 2052 (XX) of 15 December 1965, 2154 (XXI) of 17 November 1966, 2341 (XXII) of 19 December 1967 and 2452 (XXIII) of 19 December 1968,

Noting the annual report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1968 to 30 June 1969,²

1. *Notes with deep regret* that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III) has not been effected, that no substantial progress has been made in the programme endorsed in paragraph 2 of Assembly resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern;

¹ *Official Records of the General Assembly, Twenty-Fourth Session, Supplement No. 30 (A/7630), pp. 25-26.*

² *Ibid.*, Supplement No. 14 (A/7614).

2. *Expresses its thanks* to the Commissioner-General and the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for their continued faithful efforts to provide essential services for the Palestine refugees, and to the specialized agencies and private organizations for their valuable work in assisting the refugees;

3. *Directs* the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue his efforts in taking such measures, including rectification of the relief rolls, as to assure, in co-operation with the Governments concerned, the most equitable distribution of relief based on need;

4. *Notes with regret* that the United Nations Conciliation Commission for Palestine was unable to find a means of achieving progress in the implementation of paragraph 11 of resolution 194 (III), and requests the Commission to exert continued efforts towards the implementation thereof;

5. *Directs attention* to the continuing critical financial position of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as outlined in the Commissioner-General's report;

6. *Notes with concern* that, despite the commendable and successful efforts of the Commissioner-General to collect additional contributions to help relieve the serious budget deficit of the past year, contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East continue to fall short of the funds needed to cover essential budget requirements;

7. *Calls upon* all Governments as a matter of urgency to make the most generous efforts possible to meet the anticipated needs of the United Nations Relief and Works Agency

for Palestine Refugees in the Near East, particularly in the light of the budgetary deficit projected in the Commissioner-General's report, and therefore urges non-contributing Governments to contribute and contributing Governments to consider increasing their contributions.

B

Recognizing that the problem of the Palestine Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights,

Gravely concerned that the denial of their rights has been aggravated by the reported acts of collective punishment, arbitrary detention, curfews, destruction of homes and property, deportation and other repressive acts against the refugees and other inhabitants of the occupied territories,

Recalling Security Council resolution 237 (1967) of 14 June 1967,

Recalling also its resolution 2252 (ES-V) of 4 July 1967 and its resolution 2452 A (XXIII) of 19 December 1968 calling upon the Government of Israel to take effective and immediate steps for the return without delay of those inhabitants who had fled the areas since the outbreak of hostilities,

Desirous of giving effect to its resolutions for relieving the plight of the displaced persons and the refugees,

1. *Reaffirms* the inalienable rights of the people of Palestine;
2. *Draws the attention* of the Security Council to the grave situation resulting from Israeli policies and practices in the occupied territories and Israel's

refusal to implement the above resolutions;

3. *Requests* the Security Council to take effective measures in accordance with the relevant provisions of the Charter of the United Nations to ensure the implementation of these resolutions.

C

The General Assembly,

Recalling its resolutions 2252 (ES-V) of 4 July 1967, 2341 B (XXII) of 19 December 1967 and 2452 C (XXIII) of 19 December 1968,

Taking note of the annual report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1968 to 30 June 1969¹

Bearing in mind also the letter dated 24 July 1969 from the Secretary-General addressed to all States Members of the United Nations and members of the specialized agencies,²

Concerned about the continued human suffering resulting from the June 1967 hostilities in the Middle East,

1. *Reaffirms* its resolutions 2252 (ES-V), 2341 B (XXII) and 2452 C (XXIII);
2. *Endorses*, bearing in mind the objectives of those resolutions, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as

¹ *Ibid.*

² *Ibid.*, *Twenty-fourth Session, Annexes*, Agenda item 36, Document A/7577.

practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and in serious need of continued assistance as a result of the June 1967 hostilities;

3. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously for the above purpose to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and to the other inter-governmental and non-governmental organizations concerned.

Adopted at the 1827th plenary meeting.

11. Resolution 2546 (XXIV) Calling Upon Israel To Desist from Reported Repressive Practices and Policies Towards the Civilian Population of the Occupied Territories¹

December 11, 1969

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949² and the provisions of the Universal Declaration of Human Rights,

Recalling the humanitarian resolutions regarding the violations of human rights and fundamental freedoms in the territories occupied by Israel, especially Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968, Commission on Human Rights resolutions 6 (XXIX) of 27 February 1968 and 6 (XXV) of 4 March 1969, and the relevant resolutions of the International Conference on Human Rights held at Teheran in 1968, the Economic and Social Council, the United Nations Educational Scientific and Cultural Organization and the World Health Organization,

Further recalling its resolutions 2252 (ES-V) of 4 July 1967 and 2443 (XXIII) and 2452 (XXIII) of 19 December 1968,

Concerned that the provisions of these resolutions have not been implemented by the Israeli authorities,

¹ *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 30 (A/730), pp. 54-55.*

² United Nations, *Treaty Series*, Vol. 75 (1950), No. 973.

Gravely alarmed by fresh reports of collective punishments, mass imprisonment, indiscriminate destruction of homes and other acts of oppression against the civilian population in the Arab territories occupied by Israel,

1. *Reaffirms* its resolutions relating to the violations of human rights in the territories occupied by Israel;
2. *Expresses its grave concern* at the continuing reports of violation of human rights in those territories;
3. *Condemns* such policies and practices as collective and area punishment, the destruction of homes and the deportation of the inhabitants of the territories occupied by Israel;
4. *Urgently calls upon* the Government of Israel to desist forthwith from its reported repressive practices and policies towards the civilian population in the occupied territories and to comply with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, the Universal Declaration of Human Rights and the relevant resolutions adopted by the various international organizations;
5. *Requests* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,¹ established under General Assembly resolution 2443 (XXIII), to take cognizance of the provisions of the present resolution.

Adopted at the 1829th meeting.

¹

The Committee is composed of the representatives of the following Member States: Ceylon, Somalia and Yugoslavia (see A/7495/Add. 3).

12. Resolution 2649 (XXV) Affirming the Rights of Self-determination
and Independence for Peoples Under Colonial and Alien Domination¹
November 30, 1970

The General Assembly,

Emphasizing the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights,

Concerned that many peoples are still denied the right to self-determination and are still subject to colonial and alien domination,

Regretting that the obligations undertaken by States under the Charter of the United Nations and the decisions adopted by United Nations bodies have not proved sufficient to attain respect for the right of peoples to self-determination in all cases,

Recalling its resolution 2588 B (XXIV) of 15 December 1969 and resolution VIII² adopted by the International Conference on Human Rights held at Teheran in 1968,

Considering that it is necessary to continue the study of ways and means of ensuring international respect for the right of peoples to self-determination,

Noting the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,³ which elaborated the principle of self-determination of peoples,

¹ *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 28 (A/8028), pp. 73-74.*

² *Final Act of the International Conference on Human Rights* (United Nations Publications, Sales No. E.68.XIV.2), p. 9.

³ Resolution 2625 (XXV) of 24 October 1970.

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 2621 (XXV) of 12 October 1970 on the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

1. *Affirms* the legitimacy of the struggle of peoples under colonial and alien domination recognized as being entitled to the right of self-determination to restore to themselves that right by any means at their disposal;
2. *Recognizes* the right of peoples under colonial and alien domination in the legitimate exercise of their right to self-determination to seek and receive all kinds of moral and material assistance, in accordance with the resolutions of the United Nations and the spirit of the Charter of the United Nations;
3. *Calls upon* all Governments that deny the right to self-determination of peoples under colonial and alien domination to recognize and observe that right in accordance with the relevant international instruments and the principles and spirit of the Charter;
4. *Considers* that the acquisition and retention of territory in contravention of the right of the people of that territory to self-determination is inadmissible and a gross violation of the Charter;
5. *Condemns* those Governments that deny the right to self-determination of peoples recognized as being entitled to it, especially of the peoples of southern Africa and Palestine;

6. *Requests* the Commission on Human Rights to study, at its twenty-seventh session, the implementation of the United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination, and to submit its conclusions and recommendations to the General Assembly, through the Economic and Social Council, as soon as possible.

Adopted at the 1915th plenary meeting.

13. Resolution 2672 A, B, C and D (XXV) Recognizing the Right of the People of Palestine to Self-determination and Equal Rights¹

December 8, 1970

A

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) and 394 (V) of 2 and 14 December 1950, 512 (VI) and 513 (VI) of 26 January 1952, 614 (VII) of 6 November 1952, 720 (VIII) of 27 November 1953, 818 (IX) of 4 December 1954, 916 (X) of 3 December 1955, 1018 (XI) of 28 February 1957, 1191 (XII) of 12 December 1957, 1315 (XIII) of 12 December 1958, 1456 (XIV) of 9 December 1959, 1604 (XV) of 21 April 1961, 1725 (XVI) of 20 December 1961, 1856 (XVII) of 20 December 1962, 1912 (XVIII) of 3 December 1963, 2002 (XIX) of 10 February 1965, 2052 (XX) of 15 December 1965, 2154 (XXI) of 17 November 1966, 2341 (XXII) of 19 December 1967, 2452 (XXIII) of 19 December 1968 and 2535 (XXIV) of 10 December 1969,

Noting the annual report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1969 to 30 June 1970,²

1. *Notes with deep regret* that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III) has not been effected, that no substantial progress has been made in the programme endorsed in paragraph 2 of Assembly resolution 513 (VI) for the reintegration

¹ *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 28 (A/8028), pp. 35-37.*

² *Ibid.*, Supplement No. 13 (A/8013).

of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern;

2. *Expresses its thanks* to the Commissioner-General and the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for their continued faithful efforts to provide essential services for the Palestine refugees, and to the specialized agencies and private organizations for their valuable work in assisting the refugees;

3. *Directs* the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue his efforts in taking such measures, including rectification of the relief rolls, as to assure, in co-operation with the Governments concerned, the most equitable distribution of relief based on need;

4. *Notes with regret* that the United Nations Conciliation Commission for Palestine was unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly 194 (III), and requests the Commission to exert continued efforts towards the implementation thereof;

5. *Directs attention* to the continuing critical financial position of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as outlined in the Commissioner-General's report;

6. *Notes with concern* that, despite the commendable and successful efforts of the Commissioner-General to collect additional contributions to help relieve the serious budget deficit of the past year, contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East continue to fall short of the

funds needed to cover essential budget requirements;

7. *Calls upon* all Governments as a matter of urgency to make the most generous efforts possible to meet the anticipated needs of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, particularly in the light of the budgetary deficit projected in the Commissioner-General's report, and therefore urges non-contributing Governments to contribute and contributing Governments to consider increasing their contributions.

B

The General Assembly,

Recalling its resolutions 2252 (ES-V) of 4 July 1967, 2341 B (XXII) of 19 December 1968 and 2535 C (XXIV) of 10 December 1969,

Taking note of the annual report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1969 to 30 June 1970,¹

Bearing in mind the letter dated 13 August 1970 from the Secretary-General addressed to States Members of the United Nations or members of specialized agencies,²

Concerned about the continued human suffering resulting from the June 1967 hostilities in the Middle East,

1. *Reaffirms* its resolutions 2252 (ES-V), 2341 B (XXII), 2452 C (XXIII) and 2535 C (XXIV);

2. *Endorses*, bearing in mind the objectives of those resolutions, the efforts of

¹ *Ibid.*, Supplement No. 13 (A/8013).

² *Ibid.*, Annexes, Agenda Item 35, Document A/8040.

the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and in serious need of continued assistance as a result of the June 1967 hostilities;

3. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and to the other inter-governmental and non-governmental organizations concerned.

C

The General Assembly,

Recognizing that the problem of the Palestinian Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling its resolution 2535 B (XXIV) of 10 December 1969, in which it reaffirmed the inalienable rights of the people of Palestine,

Bearing in mind the principle of equal rights and self-determination of peoples enshrined in Articles 1 and 55 of the Charter and more recently reaffirmed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,¹

1. *Recognizes* that the people of Palestine are entitled to equal rights and self-determination, in accordance with the Charter of the United Nations;

¹

Resolution 2625 (XXV).

2. *Declares* that full respect for the inalienable rights of the people of Palestine is an indispensable element in the establishment of a just and lasting peace in the Middle East.

D

The General Assembly,

Recalling Security Council resolution 237 (1967) of 14 June 1967,

Recalling also its resolutions 2252 (ES-V) of 4 July 1967, 2452 A (XXIII) of 19 December 1968, calling upon the Government of Israel to take effective and immediate steps for the return without delay of those inhabitants who had fled the areas since the outbreak of hostilities, and 2535 B (XXIV) of 10 December 1969,

Gravely concerned about the plight of the displaced persons,

Convinced that the plight of the displaced persons could best be relieved by their speedy return to their homes and to the camps which they formerly occupied,

Emphasizing the imperative of giving effect to its resolutions for relieving the plight of the displaced persons,

1. *Considers* that the plight of the displaced persons continues since they have not been able to return to their homes and camps;
2. *Calls once more upon* the Government of Israel to take immediately and without any further delay effective steps for the return of the displaced persons;
3. *Requests* the Secretary-General to follow the implementation of the present resolution and to report thereon to the General Assembly.

Adopted at the 1921st meeting.

14. Resolution 2727 (XXV) Calling Upon Israel To Implement the Recommendations of the Special Committee To Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories¹
December 15, 1970

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,
Bearing in mind the provisions of the Universal Declaration of Human Rights and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,²

Recalling Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968,

Recalling also its resolutions 2252 (ES-V) of 4 July 1967, 2243 (XXIII) and 2452 A (XXIII) of 19 December 1968, 2535 B (XXIV) of 10 December 1969 and 2672 D (XXV) of 8 December 1970,

Further recalling Commission on Human Rights resolutions 6 (XXIV) of 27 February 1968, 6 (XXV) of 4 March 1969 and 10 (XXVI) of 23 March 1970, the telegram of 8 March 1968 dispatched by the Commission to the Israeli authorities,³ the relevant resolutions of the International Conference on Human Rights held at Teheran in 1968,

¹ *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 28 (A/8028), pp. 36-37.*

² United Nations, *Treaty Series*, Vol. 75 (1950), No. 973

³ See *Official Records of the Economic and Social Council, Forty-fourth Session, Supplement No. 4 (E/4475), Para. 400.*

Economic and Social Council resolution 1515 (XLVIII), adopted on 28 May 1970 on the recommendation of the Commission on the Status of Women,¹ and the other relevant resolutions of the Economic and Social Council, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization.

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,²

Noting with regret that the provisions of the above-mentioned resolutions have not been implemented by the Israeli authorities,

Gravely concerned for the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel,

1. *Expresses its sincere appreciation* to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and to its members for their efforts in performing the task assigned to them;
2. *Calls upon* the Government of Israel immediately to implement the recommendations of the Special Committee embodied in its report and to comply with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, the Universal Declaration of Human Rights and the relevant resolutions adopted by the various international organizations;
3. *Requests* the Special Committee, pending the early termination of the Israeli

¹ See *Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 6 (E/4831), XIII, Draft Resolution VII.*

² *Official Records of the General Assembly, Twenty-fifth Session, Agenda Item 101, Document A/8089.*

occupation of Arab territories, to continue its work and to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the human rights of the population of the occupied territories;

4. *Urges* the Government of Israel to receive the Special Committee, co-operate with it and facilitate its work;

5. *Requests* the Special Committee to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. *Requests* the Secretary-General to provide the Special Committee with all the necessary facilities for the continued performance of its tasks;

7. *Decides* to inscribe on the provisional agenda of its twenty-sixth session an item entitled "Report (or reports) of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories."

Adopted at the 1931st meeting.

15. Resolution 2792 A, B, C, D and E (XXVI) Expressing Grave Concern
for the Denial of Human and Civil Rights to the People of Palestine
and Dealing with the Work of UNRWA¹
December 6, 1971

A

The General Assembly,

Recalling its resolution 2672 A (XXV) of 8 December 1970 and all previous resolutions mentioned therein, including resolution 194 (III) of 11 December 1948,

Taking note of the annual report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1970 to 30 June 1971,²

Taking note also of the joint appeal made by the President of the General Assembly and the Secretary-General on 17 November 1971,³

1. *Notes with deep regret* that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III) has not been effected, that no substantial progress has been made in the programme endorsed by the Assembly in paragraph 2 of resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern;

¹ United Nations, *Resolutions of the General Assembly at Its Twenty-sixth Regular Session*, Part III, p. 31.

² *Official Records of the General Assembly, Twenty-sixth Session*, Supplement No. 13 (A/8413).

³ U.N. Document A/8526.

2. *Expresses its sincere appreciation* to Mr. Laurence Michelmore, on the occasion of his resignation as Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, for his efficient administration of the Agency during the past seven years and for his dedicated service to the welfare of the refugees;
3. *Expresses its thanks* to the Commissioner-General and to the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for their continued faithful efforts to provide essential services for the Palestine refugees, and to the specialized agencies and private organizations for their valuable work in assisting the refugees;
4. *Notes with regret* that the United Nations Conciliation Commission for Palestine was unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194 (III), and requests the Commission to exert continued efforts towards the implementation thereof and to report thereon as appropriate, but not later than 1 October 1972;
5. *Directs attention* to the continuing critical financial position of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as outlined in the Commissioner-General's report;
6. *Notes with concern* that, despite the commendable and successful efforts of the Commissioner-General to collect additional contributions to help relieve the serious budget deficit of the past year, contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East continue to fall short of the funds needed to cover essential budget requirements;

7. *Calls upon* all Governments as a matter of urgency to make the most generous efforts possible to meet the anticipated needs of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, particularly in the light of the budgetary deficit projected in the Commissioner-General's report, and therefore urges non-contributing Governments to contribute and contributing Governments to consider increasing their contributions;

8. *Decides* to extend until 30 June 1975, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III), the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

B

The General Assembly,

Recalling its resolutions 2252 (ES-V) of 4 July 1967, 2341 B (XXII) of 19 December 1967, 2452 C (XXIII) of 19 December 1968, 2535 C (XXIV) of 10 December 1969 and 2672 B (XXV) of 8 December 1970,

Taking note of the annual report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1970 to 30 June 1971,¹

Taking note also of the joint appeal made by the President of the General Assembly and the Secretary-General,²

Concerned about the continued human suffering resulting from the June 1967 hostilities in the Middle East,

¹ *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 13 (A/8413).*

² U.N. Document A/8526.

1. *Reaffirms* its resolutions 2252 (ES-V), 2341 B (XXII), 2452 C (XXIII), 2535 C (XXIV) and 2672 B (XXV);
2. *Endorses*, bearing in mind the objectives of those resolutions, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and in serious need of continued assistance as a result of the June 1967 hostilities;
3. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and to the other inter-governmental and non-governmental organizations concerned.

C

The General Assembly,

Having considered the special report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East on the effect on Palestine refugees of recent operations carried out by the Israeli military authorities in the Gaza Strip,¹ and the supplement thereto,²

Noting that both the Secretary-General and the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East have expressed great concern about the effect on Palestine refugees of these operations,

¹ A/8383.

² A/8383/Add. 1.

in which shelters in refugee camps were demolished and about 15,000 persons displaced, some of them to places outside the Gaza Strip,

Recalling Commission on Human Rights resolution 10 (XXVI) of 23 March 1970,¹ in which the Commission deplored all policies and actions aiming at the deportation of the Palestinian refugees from the occupied Gaza Strip and called upon Israel to desist forthwith from deporting the Palestinian civilians from the Gaza Strip,

1. *Declares* that the destruction of refugee shelters and the forcible removal of their occupants to other places, including places outside the Gaza Strip, contravene articles 49 and 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949² as well as paragraph 7 of General Assembly resolution 2675 (XXV) of 9 December 1970 entitled

"Basic principles for the protection of civilian populations in armed conflicts";

2. *Deplores* these actions by Israel;

3. *Calls upon* Israel to desist from further destruction of refugee shelters and from further removal of refugees from their present places of residence;

4. *Calls upon* Israel to take immediate and effective steps for the return of the refugees concerned to the camps from which they were removed and to provide adequate shelters for their accommodation;

5. *Requests* the Secretary-General, after consulting with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near

¹ See *Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 5 (E/4816), Chap. XXIII.*

² United Nations, *Treaty Series*, Vol. 75 (1950), No. 973.

East, to report as soon as possible and whenever appropriate thereafter, but in any case not later than the opening date of the twenty-seventh session of the General Assembly, on Israel's compliance with the provisions of paragraph 3 and on the implementation of the provisions of paragraph 4 of the present resolution.

D

The General Assembly,

Recognizing that the problem of the Palestinian Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling its resolutions 2535 B (XXIV) of 10 December 1969, in which it reaffirmed the inalienable rights of the people of Palestine, 2672 C (XXV) of 8 December 1970, in which it recognized that the people of Palestine are entitled to the right of self-determination,

Bearing in mind the principle of equal rights and self-determination of peoples enshrined in Articles 1 and 55 of the Charter and more recently reaffirmed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations¹ and in the Declaration on the Strengthening of International Security,²

1. *Recognizes* that the people of Palestine are entitled to equal rights and self-determination, in accordance with the Charter of the United Nations;
2. *Expresses its grave concern* that the people of Palestine have not been permitted to enjoy their inalienable rights and to exercise their right to self-determination;

¹ General Assembly Resolution 2625 (XXV).

² General Assembly Resolution 2734 (XXV).

3. *Declares* that full respect for the inalienable rights of the people of Palestine is an indispensable element in the establishment of a just and lasting peace in the Middle East.

E

The General Assembly,

Recalling Security Council resolution 237 (1967) of 14 June 1967,

Recalling also its resolutions 2252 (ES-V) of 4 July 1967, 2452 A (XXIII) of 19 December 1968, 2535 B (XXIV) of 10 December 1969 and 2672 D (XXV) of 8 December 1970, calling upon the Government of Israel to take effective and immediate steps for the return without delay of those inhabitants who had fled the areas since the outbreak of hostilities,

Having considered the report of the Secretary-General¹ of 27 August 1971 concerning the implementation of resolution 2672 D (XXV),

Gravely concerned about the plight of the displaced inhabitants,

Convinced that the plight of the displaced persons could be relieved by their speedy return to their homes and to the camps which they formerly occupied,

Emphasizing the imperative of giving effect to its resolutions for relieving the plight of the displaced inhabitants,

1. *Considers* that the plight of the displaced inhabitants continues since they have not yet returned to their homes and camps;

2. *Expresses its grave concern* that the displaced inhabitants have not been able to return in accordance with the above-mentioned resolutions;

3. *Calls once more upon* the Government of Israel to take immediately and without any further delay effective steps for the return of the displaced inhabitants;

4. *Requests* the Secretary-General to follow the implementation of the present resolution and to report thereon to the General Assembly.

Adopted at the 2001st plenary meeting.

16. Resolution 2851 (XXVI) Commending the Report of the Special Committee
To Investigate Israeli Practices Affecting the Human Rights of the
Population of the Occupied Territories¹
December 20, 1971

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Bearing in mind the provisions and principles of the Universal Declaration of
Human Rights, as well as the provisions of the Geneva Convention relative to the
Protection of Civilian Persons in Time of War, of 12 August 1949,²

Recalling Security Council resolutions 237 (1967) of 14 June 1967 and 259
(1968) of 27 September 1968, as well as other pertinent resolutions of the United
Nations,

Having considered the report of the Special Committee to Investigate Israeli
Practices Affecting the Human Rights of the Population of the Occupied Territories,³

Gravely concerned about the violations of the human rights of the inhabitants
of the occupied territories,

Considering that the system of investigation and protection is essential for
ensuring effective implementation of the international instruments, such as the
afore-mentioned Geneva Convention of 12 August 1949, which provide for respect for
human rights in armed conflicts,

¹ *Official Records of the General Assembly, Twenty-sixth Session, Supplement*
No. 29 (A/8429).

² United Nations, *Treaty Series*, Vol. 75 (1950), No. 973.

³ A/8389 and Corr. 1 and 2 and Add. 1 and Add. 1/Corr. 1.

Noting with regret that the relevant provisions of that Convention have not been implemented by the Israeli authorities,

Recalling that, in accordance with article 1 of that Convention, the States parties have undertaken not only to respect but also to ensure respect for the Convention in all circumstances,

Noting with satisfaction that the International Committee of the Red Cross, after giving careful consideration to the question of the reinforcement of the implementation of the Geneva Conventions of 12 August 1949,¹ has arrived at the conclusion that all tasks falling to a protecting Power under those Conventions could be considered humanitarian functions and that the International Committee of the Red Cross has declared itself ready to assume all the functions envisaged for protecting Powers in the Conventions,²

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and its members for their efforts in performing the task assigned to them;
2. *Strongly calls upon* Israel to rescind forthwith all measures and to desist from all policies and practices such as:
 - (a) The annexation of any part of the occupied Arab territories;
 - (b) The establishment of Israeli settlements on those territories and the transfer of parts of its civilian population into the occupied territory;
 - (c) The destruction and demolition of villages, quarters and houses and the confiscation and expropriation of property;

¹ United Nations, *Treaty Series*, Vol. 75 (1950), Nos. 970-973.

² See A/8389/Add. 1 and Add. 1/Corr. 1 and 2, para. 36.

(d) The evacuation, transfer, deportation and expulsion of the inhabitants of the occupied Arab territories;

(e) The denial of the right of the refugees and displaced persons to return to their homes;

(f) The ill-treatment and torture of prisoners and detainees;

(g) Collective punishment;

3. *Calls upon* the Government of Israel to permit all persons who have fled the occupied territories or have been deported or expelled therefrom to return to their homes;

4. *Reaffirms* that all measures taken by Israel to settle the occupied territories, including occupied Jerusalem, are completely null and void;

5. *Calls upon* the Government of Israel to comply fully with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

6. *Requests* the Special Committee, pending the early termination of Israeli occupation of Arab territories, to continue its work and to consult as appropriate with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories;

7. *Urges* the Government of Israel to co-operate with the Special Committee and to facilitate its entry into the occupied territories in order to enable it to perform the functions entrusted to it by the General Assembly;

8. *Requests* the Secretary-General to provide the Special Committee with all the

necessary facilities for the continued performance of its tasks;

9. *Requests* all States parties to the Geneva Convention of 12 August 1949 to do their utmost to ensure that Israel respects and fulfils its obligations under that Convention;

10. *Requests* the Special Committee to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

11. *Decides* to include in the provisions agenda of its twenty-seventh session an item entitled "Report (or reports) of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories."

Adopted at the 2027th plenary meeting.

17. Resolution 237 (1967) Recommending Humanitarian Treatment for
Prisoners of War and Civilian Populations in the Middle East¹
June 14, 1967

The Security Council,

Considering the urgent need to spare the civil populations and the prisoners of the war in the area of conflict in the Middle East additional sufferings,

Considering that essential and inalienable human rights should be respected even during the vicissitudes of war,

Considering that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949² should be complied with by the parties involved in the conflict,

1. *Calls upon* the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities;

2. *Recommends* to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war, contained in the Geneva Conventions of 12 August 1949,³

¹ *Official Records of the Security Council, Twenty-second Year, Resolutions and Decisions, p. 5.*

² United Nations, *Treaty Series*, Vol. 75 (1950), No. 972.

³ United Nations, *Treaty Series*, Vol. 75 (1950), Nos. 970-973.

3. *Requests* the Secretary-General to follow the effective implementation of this resolution and to report to the Security Council.

Adopted at the 1361st meeting.

18. Resolution 242 (1967) Proposing Steps Towards a Peaceful Settlement
of the Middle East Conflict¹

November 22, 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and
the need to work for a just and lasting peace in which every State in the area can
live in security,

Emphasizing further that all Member States in their acceptance of the Charter
of the United Nations have undertaken a commitment to act in accordance with
Article 2 of the Charter,

1. *Affirms* that the fulfilment of Charter principles requires the establishment
of a just and lasting peace in the Middle East which should include the application
of both the following principles:

(i) Withdrawal of Israel armed forces from territories occupied in the
recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and
acknowledgement of the sovereignty, territorial integrity and political independence
of every State in the area and their right to live in peace within secure and
recognized boundaries free from threats or acts of force;

¹ *Official Records of the Security Council, Twenty-second Year*, Resolutions and
Decisions, p. 8. This resolution has been included in this series because of
its general relevance to the Arab-Israeli conflict since 1967.

2. *Affirms further* the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Adopted at the 1382nd meeting.

19. Resolution 259 (1968) Expressing Concern for Human Rights in the
Occupied Territories¹
September 27, 1968

The Security Council,

Concerned with the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel following the hostilities of June 1967,

Recalling its resolution 237 (1967) of 14 June 1967,

Noting the report by the Secretary-General, contained in document S/8699² and appreciating his efforts in this connexion,

Deploing the delay in the implementation of resolution 237 (1967) because of the conditions still being set by Israel for receiving a Special Representative of the Secretary-General,

1. *Requests* the Secretary-General urgently to dispatch a Special Representative to the Arab territories under military occupation by Israel following the hostilities of 5 June 1967, and to report on the implementation of resolution 237 (1967);
2. *Requests* the Government of Israel to receive the Special Representative of the Secretary-General, to co-operate with him and to facilitate his work;
3. *Recommends* that the Secretary-General be afforded all co-operation in his efforts to bring about the implementation of the present resolution and resolution 237 (1967).

Adopted at the 1454th meeting.

¹ *Official Records of the Security Council, Twenty-third Year, Resolutions and Decisions, p. 11.*

² *Ibid.*, Supplement for July, August and September 1968.

20. Resolution 1336 (XLIV) Endorsing the Resolution on the Occupied Territories Adopted by the International Conference on Human Rights¹
May 31, 1968

The Economic and Social Council,

Recalling the resolution entitled "Respect and implementation of human rights in occupied territories"² adopted on 7 May 1968 by the International Conference on Human Rights held in Teheran,

Endorses resolution 6 (XXIV) entitled "Question of human rights in the territories occupied as a result of hostilities in the Middle East" adopted by the Commission on Human Rights at its twenty-fourth session³ which read as follows:

The Commission on Human Rights,

Recalling provisions of the Geneva Conventions of 12 August 1949 regarding the protection of civilian persons in time of war,

Mindful of the principle embodied in the Universal Declaration of Human Rights regarding the right of everyone to return to his own country,

Recalling resolution 237 (1967), adopted by the Security Council on 14 June 1967, in which the Council considered that essential and inalienable human rights should be respected even during the vicissitudes of war and called upon the Government of Israel, inter alia, to facilitate the return of those inhabitants who had fled the areas of military operations since the outbreak of hostilities,

¹

Official Records of the Economic and Social Council, Forty-fourth Session, Supplement No. 1 (E/4548), p. 19.

²

E/AC.7/L545.

³

See Official Records of the Economic and Social Council, Forty-fourth Session, Supplement No. 4 (E/4475), Chapter XVIII.

Recalling also resolution 2252 (ES-V) of the General Assembly, which welcomed with great satisfaction Security Council resolution 237 (1967) of 14 June 1967 and called for humanitarian assistance,

1. *Notes with appreciation* the resolutions adopted by the Security Council and the General Assembly in accordance with the provisions of the Universal Declaration of Human Rights and the Geneva Conventions of 1949 regarding human rights in the territories occupied as a result of the hostilities in the Middle East;
2. *Affirms* the right of all the inhabitants who have left since the outbreak of hostilities in the Middle East to return and that the Government concerned should take the necessary measures in order to facilitate the return of those inhabitants to their own country without delay;
3. *Requests* the Secretary-General to keep the Commission informed upon developments with respect to operative paragraphs 1 and 2 above.

Adopted at the 1530th plenary meeting.

21. Resolution 1592 (L) Recommending General Assembly Adoption of a
Resolution Affirming the Right to Self-determination of Peoples
Under Colonial and Foreign Domination¹

May 21, 1971

The Economic and Social Council,

Recalling General Assembly resolution 1514 (XV) of 14 October 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and General Assembly resolution 2621 (XXV) of 12 October 1970 concerning a programme of action for the full implementation of the said Declaration,

Guided by the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,²

Recommends that the General Assembly adopt the following draft resolution:

The General Assembly,

Solemnly reaffirming that the subjection of peoples to alien subjugation, domination and exploitation is a violation of the principle of self-determination as well as a denial of basic human rights and is contrary to the Charter of the United Nations,

Concerned at the fact that many peoples continue to be denied the right to self-determination and are living under conditions of colonial and foreign domination,

Expressing concern at the fact that some countries, notably Portugal, with the support of its North Atlantic Treaty Organization allies, are waging war against the

¹

Official Records of the Economic and Social Council, Fiftieth Session, Supplement No. 1 (E/5044), pp. 18-19.

²

See General Assembly Resolution 2625 (XXV).

national liberation movement in colonial and developing countries,

Confirming that colonialism in all its forms and manifestations, including the methods of neo-colonialism, constitutes a gross encroachment on the rights of peoples and the basic human rights and freedoms,

Convinced that effective application of the principles of self-determination of peoples is of paramount importance for promoting the development of friendly relations between countries and peoples and for ensuring human rights,

1. *Confirms* the legality of the peoples' struggle for self-determination and liberation from colonial and foreign domination by all available means;
2. *Affirms* man's basic human right to fight for the self-determination of his people under colonial and foreign domination;
3. *Believes* that the main objectives and principles of international protection of human rights cannot be effectively implemented while some States pursue the imperialist policy of colonialism, use force against developing countries and peoples fighting for self-determination and support regimes that are applying the criminal policy of racism and *apartheid*;
4. *Condemns* the colonial Powers that are suppressing the right of peoples to self-determination and hampering the liquidation of the last hotbeds of colonialism and racism in the African continent and in other parts of the world;
5. *Condemns* States that contribute to the creation in southern Africa of a military-industrial complex whose aim is the suppression of the movement of peoples struggling for their self-determination and interference in the affairs of independent African States;

6. *Recalls* that it is the duty of every State to contribute through joint and independent action to the implementation of the principle of self-determination, in accordance with the provisions of the Charter, and to assist the United Nations in discharging the responsibilities vested in it by the Charter for the implementation of this principle;

7. *Urges* States to discharge their duty and to co-operate in bringing about universal respect for and observance of human rights and fundamental freedoms and eliminating all forms of racial discrimination;

8. *Resolves* to devote constant attention to the question of flagrant large-scale violations of human rights and fundamental freedoms resulting from the denial to peoples under colonial and foreign domination of their right to self-determination.

Adopted at the 1771st plenary meeting.

22. Resolution 6 (XXIV) Affirming the Right of Return of the Inhabitants¹
of the Occupied Territories
February 27, 1968

The Commission on Human Rights,

Recalling provisions of the Geneva Conventions of 12 August 1949 regarding the protection of civilian persons in time of war,

Mindful of the principle embodied in the Universal Declaration of Human Rights regarding the right of every-one to return to his own country,

Recalling resolution 237 (1967), adopted by the Security Council on 14 June 1967, in which the Council considered that essential and inalienable human rights should be respected even during the vicissitudes of war and called upon the Government of Israel, inter alia, to facilitate the return of those inhabitants who had fled the areas of military operations since the outbreak of hostilities,

Recalling also resolution 2252 (ES-V) of the General Assembly, which welcomed with great satisfaction Security Council resolution 237 (1967) of 14 June 1967 and called for humanitarian assistance,

1. *Notes with appreciation* the resolutions adopted by the Security Council and the General Assembly in accordance with the provisions of the Universal Declaration of Human Rights and the Geneva Conventions of 1949 regarding human rights in the territories occupied as a result of the hostilities in the Middle East;

¹

Official Records of the Economic and Social Council, Forty-fourth Session, Supplement No. 4 (E/4475), pp. 151-152.

2. *Affirms* the right of all the inhabitants who have left since the outbreak of hostilities in the Middle East to return and that the Government concerned should take the necessary measures in order to facilitate the return of those inhabitants to their own country without delay.
3. *Requests* the Secretary-General to keep the Commission informed upon developments¹ with respect to operative paragraphs 1 and 2 above.

Adopted at the 973rd meeting.

¹ In its 990th meeting on 8 March 1968 the Commission decided to send the following telegram which was communicated on the same day by the chairman of the Commission to the Government of Israel:

The United Nations Commission on Human Rights is distressed to learn from newspapers of Israeli acts of destroying homes of Arab civilian population inhabiting the areas occupied by the Israeli authorities subsequent to the hostilities of June 1967. The Commission on Human Rights calls upon the Government of Israel to desist forthwith from indulging in such practices and to respect human rights and fundamental freedoms.

(U.N. Document E/CN.4/L.1040, 13/3/1968).

23. Resolution 6 (XXV) Affirming the Right of Return and Deploing
Israeli Violations of Human Rights in the Occupied Territories¹
March 4, 1969

The Commission on Human Rights,

Mindful of the principle embodied in the Universal Declaration of Human Rights recognizing the right of everyone to return to his country,

Recalling Security Council resolution 237 (1967) of 14 June 1967, General Assembly resolutions 2252 (ES-V), of 4 July 1967 and 2341 B (XXII) of 19 December 1967, resolution 6 (XXIV) of the Commission on Human Rights and Economic and Social Council resolution 1336 (XLIV) of 31 May 1968 and General Assembly resolution 2452 (XXIII) of 19 December 1968 which called upon the Government of Israel to take effective and immediate steps for the return without delay of those inhabitants who fled the areas since the outbreak of hostilities,

Further recalling the telegram dispatched by the Commission on Human Rights on 8 March 1968, calling upon the Government of Israel to desist forthwith from acts of destroying homes of the Arab civilian population in areas occupied by Israel, and to respect human rights and fundamental freedoms,

Bearing in mind that the Security Council resolution 237 (1967) of 14 June 1967, General Assembly resolution 2252 (ES-V) of 4 July 1967, Economic and Social Council resolution 1336 (XLIV) of 31 May 1968, and resolution 6 (XXIV) of the Commission on Human Rights have called for the application of Geneva Conventions of 12 August 1949 in the territories occupied by Israel,

¹

Official Records of the Economic and Social Council, Forty-sixth Session, Document No. E(4621), pp. 183-184.

Noting that the Security Council has once again expressed its concern for the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel, and deplored the delay in the implementation of resolution 237 (1967),

Noting also resolution I on respect for and implementation of human rights in occupied territories, adopted by the International Conference on Human Rights on 7 May 1968 (A/CONF. 32/41) and General Assembly resolution 2443 (XXIII) of 19 December 1968,

Deeply concerned about the reported continuation of human rights violations as well as violations of the Geneva Conventions of 12 August 1949 in the territories occupied by Israel,

Having received the report of the Secretary-General (E/CN.4/999),

1. *Reaffirms* the inalienable right of all the inhabitants who have left since the outbreak of hostilities to return, and calls upon the Government of Israel to immediately implement the United Nations resolutions to this effect,

2. *Deplores* Israel's continued violations of human rights in the occupied territories, particularly the acts of destroying homes of Arab civilian population, deportation of inhabitants and the resorting to violence against inhabitants expressing their resentment to occupation and *calls upon* the Government of Israel to put an immediate end to such acts,

3. *Expresses its deep concern* on Israel's refusal to abide by the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War, and *calls once again upon* the Government of Israel to fully respect and apply that Convention,

4. *Decides* to establish a special Working Group of Experts composed of the members

of the Ad Hoc Working Group of Experts established under Commission resolutions 2 (XXIII) and 2 (XXIV) with the following mandate:

(a) To investigate allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in the territories occupied by Israel as a result of hostilities in the Middle East;

(b) To receive communications, to hear witnesses, and use such modalities of procedure as it may deem necessary;

(c) To report, with its conclusions and recommendations, to the Commission's twenty-sixth session;

5. *Decides* to include the question of human rights in the territories occupied as a result of hostilities in the Middle East as a separate item of priority on the agenda of the Commission's twenty-sixth session.

Adopted at the 1014th meeting.

24. Resolution 7 (XXV) Appealing for Respect for Human Rights¹
in the Middle East

March 4, 1969

The Commission on Human Rights,

Deeply concerned at the conflict affecting the Middle East, which continues to constitute an explosive factor that might spark off a universal conflagration, and at its consequences for the civil populations,

Aware of its legal and moral obligation to foster universal respect for fundamental human rights and freedoms, to promote conditions which guarantee such respect and to eliminate harm and suffering which constitute an affront to civilization,

Makes a fervent appeal to all Governments, their peoples and world public opinion to spare no efforts to ensure a peaceful settlement of the conflict affecting the Middle East through respect for the principles of the Charter of the United Nations and through the implementation of the relevant resolutions of the Security Council, in particular resolution 242 (1967) of 22 November 1967, and, meanwhile, to ensure in that region respect for the fundamental rights of all human beings which will greatly contribute in creating conditions for the restoration of peace.

Adopted at the 1015th meeting.

¹

Official Records of the Economic and Social Council, Forty-sixth Session,
Document No. E(4691), p. 184.

25. Resolution 10 (XXVI) Condemning Israeli Violations of the
Geneva Conventions¹
March 23, 1970

The Commission on Human Rights,

Mindful of the principles embodied in the Universal Declaration of Human Rights recognizing the inherent dignity and equal and inalienable rights of peoples to justice, freedom and peace,

Recalling resolution I of the International Conference on Human Rights of May 1968 in which the Conference requested the Commission on Human Rights to keep the question of respect for and implementation of human rights in occupied territories under constant review,

Recalling also Security Council resolutions 237 (1967) and 259 (1968) and General Assembly resolution 2252 (ES-V), in which the Council and the Assembly called upon Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities, and General Assembly resolutions 2535 B (XXIV), which reaffirmed the inalienable rights of the people of Palestine, and 2546 (XXIV), in which the Assembly expressed its grave concern at the continuing violations of human rights in the territories occupied by Israel and called upon Israel to comply with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

¹ *Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 5 (E/4816), pp. 79-82.*

Recalling further its resolution 6 (XXV) by which it decided to establish a special working group of experts to investigate allegations concerning Israel's violations of that Convention,

Bearing in mind that the said Convention is binding upon Israel,

Recalling its resolution 5 B (XXVI) in which it considered violations of the Geneva Conventions of 12 August 1949 as war crimes and an affront to humanity in addition to being crimes,

Gravely concerned about the deteriorating conditions of human rights in the militarily occupied territories in the Middle East,

Gravely disturbed about recent reports of the planned mass deportation of the Palestinian refugees (numbered 300,000) from the occupied Gaza Strip by the Israeli occupying authorities,

Having received and studied the report of the Special Working Group established under resolution 6 (XXV) to investigate allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War in the territories militarily occupied by Israel,

1. *Notes with dismay* the refusal of Israel to co-operate with the above-mentioned Working Group established by the Commission on Human Rights;
2. *Endorses* the conclusions of the Working Group concerning:
 - (a) The applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to all the occupied areas including occupied Jerusalem;
 - (b) The existence of violations of that Convention in the Israeli occupied territories;
3. *Condemns* Israel's refusal to apply that Convention and its violation of the provisions of that Convention, in particular the following violations:

- (a) The total or partial destruction of villages and cities in the occupied territories;
 - (b) The establishment of Israeli settlements in the militarily occupied Arab territories;
 - (c) The unlawful deportation and expulsion of civilian population;
 - (d) The coercive acts to compel the civilian population under its military occupation to collaborate with the occupying Power against their will;
 - (e) The abrogation of the national laws in occupied territories contrary to the Convention and the relevant resolutions of the Security Council and the General Assembly;
 - (f) All policies and measures of collective punishment;
4. *Deplores* all policies and actions aiming at the deportation of the Palestinian refugees from the occupied Gaza Strip;
5. *Expresses its grave concern* over:
- (a) The use of means of coercion to extract information and confession in violation of the relevant provisions of the Convention;
 - (b) The ill-treatment and killing of civilians without provocation;
 - (c) The detention of people by virtue of administrative orders for periods that are automatically renewed ad infinitum;
 - (d) The deprivation of those detainees of any guarantee concerning the length of detention and fair trial;
 - (e) The deprivation of the accused persons of having counsel of their choice, and the prevention of the counsel, in the cases where a counsel was chosen, from discharging their duties satisfactorily;
 - (f) The destruction and usurpation of movable and immovable property;

6. *Calls upon* Israel once more to observe strictly that Convention in the occupied territories;

7. *Further calls upon* Israel immediately:

(a) To rescind all measures and to desist forthwith from taking any action prejudicial to the national laws, systems and practices in the occupied territories;

(b) To refrain from establishing settlements in the occupied territories;

(c) To cease immediately from compelling the inhabitants of the occupied territories to collaborate with the Israeli occupying authorities;

(d) To ensure the immediate return of deported and transferred persons to their homes without any formalities the fulfilment of which would render their return impossible;

(e) To refrain from demolishing houses in contravention of the relevant provisions of the Convention;

(f) To restore the property confiscated or otherwise taken from its owners in contravention of the provisions of the Convention;

8. *Also calls upon* Israel to desist forthwith from deporting the Palestinian civilians from the Gaza Strip;

9. *Commends* the Special Working Group for its work and decides that the Working Group should continue to investigate and report the Israeli violations of that Convention which occur in the militarily occupied Arab territories since the outbreak of hostilities and to examine in particular:

(a) The evidence concerning the cases of torture taking place in the Israeli prisons against prisoners in the occupied territories;

(b) Other cases of violation of the Convention in the occupied territories which

it has not yet investigated, including those that took place during the period investigated by the Group;

(c) The establishment of settlements in the occupied territories in contravention of the provisions of the Convention;

10. *Calls upon* Israel to receive the Special Working Group, to co-operate with and to facilitate its task in carrying out its mandate as specified in the preceding paragraph;

11. *Decides* to continue to include the question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East as a separate item of priority on the agenda of the Commission's twenty-seventh session;

12. *Requests* the Secretary-General to give the widest publicity to the entire report and to report at the twenty-seventh session on the publicity given to it;

13. *Further requests* the Secretary-General to bring the report of the Special Working Group, together with this resolution, to the attention of the General Assembly, the Security Council and the Economic and Social Council.

Adopted at the 1082nd meeting.

26. Resolution 9 (XXVII) Condemning Continued Israeli Violations
of Human Rights in the Occupied Territories¹

March 15, 1971

The Commission on Human Rights,

Guided by the purpose and principles of the Charter of the United Nations,

Bearing in mind the Universal Declaration on Human Rights,

Reaffirming that the Human Rights and fundamental freedoms as provided for in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of August 12, 1949,² and in other relevant international instruments, fully apply to all the territories occupied by Israel as a result of the hostilities in the Middle East, including occupied Jerusalem,

Recalling Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968 and General Assembly resolution 2252 (ES-V) of 4 July 1967, in which the Council and the General Assembly called upon Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled these areas since the outbreak of hostilities,

Recalling General Assembly resolutions 2443 (XXIII) of 19 December 1968, 2546 (XXIV) of 11 December 1969, 2674 (XXV) of 9 December 1970, and 2675 (XXV) of 9 December 1970,

Further recalling General Assembly resolution 2727 (XXV) of 15 December 1970 in which the Assembly requested the Special Committee to Investigate Israeli Practices

¹ *Official Records of the Economic and Social Council, Fiftieth Session, Supplement No. 4 (E/4949), pp. 79-82.*

² *United Nations, Treaty Series, Vol. 75 (1950), No. 873.*

Affecting the Human Rights of the Population of the Occupied Territories, pending an early termination of Israeli occupation, to continue its work in order to ensure the safeguarding of the human rights of the population in the occupied territories,

Also recalling its resolution 6 (XXV) by which it decided to establish a special Working Group of Experts to investigate allegations concerning Israel's violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, and resolution 10 (XXVI) in which it condemned Israel's grave violations of human rights as well as its violations of the Geneva Convention in the occupied territories,

Having studied the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,¹

Gravely concerned by the fact that Israel's violations of human rights in the occupied territories continue unabated, in total disregard of the appeals and resolutions adopted by the United Nations, the specialized agencies, the International Conference on Human Rights held at Teheran in 1968 and the XXIst International Conference of the Red Cross held in Istanbul in September 1969,

Alarmed by the fact that Israel continues the establishment of settlements in the occupied territories including occupied Jerusalem, while it refuses to permit the return of the refugees and displaced persons to their homes, a right the denial of which by Israel constitutes an affront to humanity and a grave violation of international law,

1. *Condemns* Israel's continued violations of human rights in the occupied territories, including policies aimed at changing the status of these territories;

2. *Condemns* specifically the following policies and practices of Israel:

- (a) Denial of the right of the refugees and displaced persons to return to their homes;
- (b) Resort to collective punishment;
- (c) The deportation and expulsion of the citizens of the occupied territories;
- (d) Arbitrary arrest and detention of the citizens of the occupied territories;
- (e) Ill-treatment and torture of prisoners;
- (f) Destruction and demolition of villages, town quarters, houses and confiscation and expropriation of property;
- (g) Evacuation and transfer of sections of the population of the occupied territories;
- (h) Transfer of parts of its own civilian population into the occupied territories;

3. *Strongly deplores* Israel's policies in the occupied territories aimed at placing the population in a general state of repression, fear and deprivation, and particularly deplores:

- (a) Requisition of hospitals and their transformation into police stations;
- (b) Abrogation of the national laws and interference with the judicial system;
- (c) Refusal to allow the text books approved by the Director-General of the United Nations Educational, Scientific and Cultural Organization for schools in the occupied territories, and the insistence on forcing upon school children an alien system of education;

4. *Calls upon* Israel once again to comply fully with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949;

5. *Again calls upon* Israel to enable forthwith the refugees and displaced persons to return to their homes;
6. *Once again calls upon* Israel to heed and to implement the many resolutions adopted by the United Nations organs and the specialized agencies for the safeguarding of human rights in the occupied territories;
7. *Reaffirms* that all measures taken by Israel to colonize the occupied territories including occupied Jerusalem are completely null and void;
8. *Declares* that Israel's continued and increasing violations of the human rights of the population of the occupied territories, and its deliberate and persistent refusal to abide by its legal obligations under the United Nations Charter, international law, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, indicate the necessity of collective action on the part of the international community to ensure respect for the human rights of the population of the occupied territories;
9. *Urges* the International Committee of the Red Cross to co-operate with the United Nations organs, and particularly with the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in the fulfilment of its task to ensure the safeguarding of the human rights of the population of the occupied territories, and to inform the Commission on Human Rights at its twenty-eighth session of the steps it has taken in this regard;
10. *Requests* the Secretary-General to give wide publicity to United Nations documents dealing with the violations of human rights in the occupied territories, and in particular to the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population in the Occupied Territories,

and to use United Nations media of information in disseminating information on the conditions of the population of the occupied territories, the refugees and displaced persons;

11. *Decides* to include the question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East as a separate item of high priority on the agenda of the Commission's twenty-eighth session.

Adopted at the 1120th meeting.

27. Resolution 3 (XXVIII) Calling Upon Israel To Desist from Policies and Practices Affecting Human Rights in the Occupied Territories¹

March 22, 1972

The Commission on Human Rights,

Guided by the principles and purposes of the Charter of the United Nations, as well as the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Recalling all the relevant resolutions adopted by the various United Nations organs on the subject of the protection of the human rights of the inhabitants of the Arab territories occupied by Israel,

Recalling also that in accordance with the provisions of the Charter of the United Nations and those of the Universal Declaration of Human Rights, Member States bear a special responsibility to ensure the protection of human rights and to reaffirm faith in fundamental human rights and in the dignity and worth of the human person,

Recalling further that in accordance with article 1 of the said Geneva Convention, States Parties have undertaken not only to respect but also to ensure respect for the Convention in all circumstances,

Taking note of the reports submitted to and/or discussed in the different

¹

U.N. Document E/CN.4/L.1195.

competent organs of the United Nations on the aforementioned subject,

Gravely concerned with all acts and policies that affect the status or the character of those occupied territories and the basic rights of the inhabitants thereof, such as:

(a) The declared intention to annex certain parts of the occupied Arab territories,

(b) The establishment of Israeli settlements on those territories and the transfer of parts of its civilian population into the occupied territories,

(c) The evacuation, transfer, deportation and expulsion of the inhabitants of occupied territories,

(d) The destruction and demolition of villages, quarters and houses and the confiscation and expropriation of property,

(e) The denial of the right of the refugees and displaced persons to return to their homes,

(f) Collective punishment and ill-treatment of prisoners and detainees,

(g) Administrative detention and holding prisoners incommunicado,

Noting with regret that the aforementioned acts have not been rescinded in spite of the numerous resolutions adopted on the subject,

Deploing the persistent defiance and disregard by Israel of all United Nations resolutions on the protection of human rights of the inhabitants of the occupied territories and on the preservation of the demographic composition and geographic character thereof,

Taking note of the fact that article 147 of the Geneva Convention of 12 August 1949 has considered unlawful deportation or transfer, unlawful confinement, deprivation of the rights of fair and regular trial, taking of hostages and extensive destruction and appropriation of property as grave breaches of the Convention,

Noting that the Charter of the International Military Tribunal of Nuremberg as confirmed by General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, has considered as war crimes the 'grave breaches' later enumerated in the Geneva Conventions of 12 August 1949,

Recalling its resolution 5 B (XXVI) adopted at its twenty-sixth session which considered violations of the Geneva Conventions as war crimes and an affront to humanity,

1. *Strongly calls upon* Israel to rescind forthwith all measures and to desist from all policies and practices affecting the demographic structure or the physical character of the occupied Arab territories and the human rights of their inhabitants;
2. *Calls upon* the Government of Israel to permit all persons who have fled the occupied territories or who have been deported or expelled therefrom to return to their homes without conditions;
3. *Reaffirms* that all measures taken by Israel to annex or settle the occupied territories are null and void;
4. *Calls upon* the Government of Israel - once more - to comply fully with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
5. *Also calls upon* Israel once more to respect and implement the resolutions adopted by the Commission and other competent organs on the question of the protection of human rights of the inhabitants of the occupied territories;
6. *Requests* all States Members of the United Nations and all States parties to the Fourth Geneva Convention of 12 August 1949 to do their utmost to ensure that

Israel respects the principles of human rights and fulfils its obligations under that Convention;

7. *Considers* that grave breaches of the Fourth Geneva Convention committed by Israel in the occupied Arab territories constitute war crimes and an affront to humanity;

8. *Decides* to place on the provisional agenda of its twenty-ninth session (in 1973) as a matter of high priority the item entitled "Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East."

Adopted at the 1161st plenary meeting.

28. International Conference on Human Rights Resolution I Calling
Upon Israel to Respect Human Rights in the Occupied Territories¹
May 7, 1968

The International Conference on Human Rights,

Being guided by the Universal Declaration of Human Rights,

Having heard the statements made in the Conference with regard to the question of "respect for and implementation of human rights in occupied territories," and noting the note submitted by the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

Bearing in mind the provisions of the Geneva Conventions of 12 August 1949 regarding the protection of civilian persons in time of war,

Recalling Security Council resolution 237 (1967) and General Assembly resolution 2252 (Es-V) in which the Council and the Assembly considered that essential and inalienable rights should be respected even during the vicissitudes of war and called upon the Government of Israel to facilitate the return of those inhabitants who have fled the areas of military operations since the outbreak of hostilities,

Recalling further articles 2, 18 and 30 of the Universal Declaration of Human Rights and resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967 adopted by the General Assembly, calling upon Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of

¹ *Final Act of the International Conference on Human Rights* [meeting in Teheran], Document A/CONF.32/41, p. 5. The resolution was transmitted to the President of the General Assembly in a telegram dated May 8, 1968 (A/7098, May 10, 1968).

Jerusalem and deploring the failure of Israel to implement that resolution,

Mindful of the principle embodied in the Universal Declaration of Human Rights regarding the right of everyone to return to his own country,

Further recalling:

(a) Resolution 6 (XXIV) of the Commission on Human Rights affirming the rights of the inhabitants who have left since the outbreak of hostilities in the Middle East to return, and that the Government concerned should take the necessary measures in order to facilitate the return of those inhabitants to their own country without delay,

(b) The telegram dispatched by the Commission on Human Rights on 8 March 1968, calling upon the Government of Israel to desist forthwith from acts of destroying homes of Arab civilian population inhabiting areas occupied by Israel,

1. *Expresses* its grave concern for the violation of human rights in Arab territories occupied as a result of the June 1967 hostilities;

2. *Draws the attention* of the Government of Israel to the grave consequences resulting from disregard of fundamental freedoms and human rights in occupied territories;

3. *Calls* on the Government of Israel to desist forthwith from acts of destroying homes of Arab civilian population inhabiting areas occupied by Israel, and to respect and implement the Universal Declaration of Human Rights and the Geneva Convention of 12 August 1949 in occupied territories;

4. *Affirms* the inalienable rights of all inhabitants who have left their homes as a result of the outbreak of hostilities in the Middle East to return, resume normal life, recover their property and homes, and rejoin their families according to the provision of the Universal Declaration of Human Rights;

5. *Requests* the General Assembly to appoint a special committee to investigate violations of human rights in the territories occupied by Israel and to report thereon;
6. *Requests* the Commission on Human Rights to keep the matter under constant review.

Adopted by the Conference at its 23rd plenary meeting.

II

WORLD HEALTH ORGANIZATION

29. Resolution 21.38 Commending UNRWA Assistance to the Palestine¹
Refugees and Calling for the Return Home of Displaced Persons
May 23, 1968

The Twenty-first World Health Assembly,

Having considered the annual report of the Director of Health of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (1967);

Considering that the World Health Organization should continue to exert all possible efforts in providing effective health assistance to refugees and displaced persons in order to ensure their over-all health protection and care;

Recalling that the Security Council in its resolution No. 237 (1967) of June 1967 has "called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities;"

Recalling that the General Assembly of the United Nations in its resolution 2252 (ES-V) endorsed "the efforts of the Commissioner-General of UNRWA to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and are in serious need of immediate assistance as a result of the recent hostilities,"

1. CALLS upon Member States to do everything possible to facilitate the return of displaced persons in order to ameliorate their health conditions;

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Official Records of the General Assembly, Twenty-third Session, Supplement No. 13 (A/7213), p. 97.

2. REQUESTS the Director-General of the World Health Organization to study the health conditions amongst displaced persons in the area and to report to the Twenty-second World Health Assembly; and
3. COMMENDS the Director of the Health Department of UNRWA and his staff for their valuable assistance provided to the refugees.

Adopted at the 17th plenary meeting.

30. Resolution 22.43 Calling for Health Assistance to Refugees
and Displaced Persons in the Middle East¹

July 24, 1969

The Twenty-second World Health Assembly,

Having considered the Director-General's report² of 17 June 1969 on health assistance to refugees and displaced persons, as well as the Annual Report of the Director of Health Department of UNRWA;

Considering that the World Health Organization should continue its efforts to provide effective health assistance for refugees and displaced persons in order to ensure their health protection and care;

Recalling the numerous humanitarian resolutions of the United Nations which called upon Israel inter alia to ensure the safety, welfare and security of the inhabitants of the areas where military operations took place and to facilitate the return of those inhabitants who have fled from these areas since the outbreak of hostilities;

Further recalling its resolution WHA21.38 on health assistance to refugees and displaced persons,

1. REAFFIRMS its resolution WHA21.38;
2. DEPLORES the deficiency of the health conditions in the occupied territories in the Middle East;

¹ *Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 14 (A/7614), p. 96.*

² Document A22/P and B/3 and Corr. 1.

3. TAKES CAREFUL NOTE of the Director-General's report and of the statement by the distinguished representative of UNRWA;
4. CALLS UPON Member States to exert all efforts towards ensuring the social well-being of displaced persons, refugees and inhabitants of the occupied territories in the Middle East and enabling them to enjoy a normal standard of health; and
5. REQUESTS the Director-General of the World Health Organization to take all the effective measures in his power to safeguard health conditions amongst refugees and displaced persons in the Middle East and to report thereon to the Twenty-third World Health Assembly.

Adopted at the 16th meeting.

31. Resolution 23.52 Stating the Necessity for the Repatriation
of Displaced Persons¹

May 21, 1970

The Twenty-third World Health Assembly,

Mindful of the principle that the health of all peoples is fundamental to the attainment of peace and security;

Having considered the Director-General's report of 1 May 1970, and the annual report of the United Nations Relief and Works Agency for the Palestine Refugees in the Near East (UNRWA);

Recalling its resolutions WHA21.38 and WHA22.43 on health assistance to refugees and displaced persons in the Middle East;

Noting with grave concern that the refusal to abide by the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, as well as the refusal to apply United Nations resolutions regarding the refugees and displaced persons continue to cause immense sufferings to the life and health of the inhabitants of the occupied territories as well as the refugees and the displaced persons in the Middle East,

1. REAFFIRMS its resolutions WHA21.38 and WHA22.43 on health assistance to refugees and displaced persons;

2. DEEMS IT NECESSARY, for the protection of the life and physical and mental health of the refugees and displaced persons, that they be immediately afforded their right to return to their homes, in accordance with the relevant resolutions

¹

Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 13 (A/8013), p. 101.

of the United Nations;

3. CALLS UPON Israel, for the safeguarding of the life and the physical and mental health of the inhabitants of the occupied territories, to abide by its obligations under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

4. EXPRESSES its appreciation to the Director-General of the WHO, the Director of Health of UNRWA and to the specialized and other organizations that provide assistance to the refugees, displaced persons and the inhabitants of the occupied territories in the Middle East; and

5. REQUESTS the Director-General of the WHO

(a) to issue a world-wide appeal to Governments and humanitarian organizations, to make available to the International Committee of the Red Cross, material and human aid to the inhabitants of the occupied territories;

(b) to take all other effective measures in his power to safeguard health conditions amongst refugees, displaced persons and the inhabitants of the occupied territories in the Middle East;

(c) to report to the Twenty-fourth World Health Assembly on the implementation of this resolution.

Adopted at the 15th plenary meeting.

32. Resolution 24.33 Urging Further Assistance to Refugees and
Calling Upon Israel To Refrain from Further Violations of
Basic Human Rights¹
May 18, 1971

The Twenty-fourth World Health Assembly,

Bearing in mind that the health of all peoples is fundamental to the attainment of peace and security;

Mindful of the Universal Declaration on Human Rights;

Recalling its resolutions WHA21.38, WHA22.43 and WHA23.52 on health assistance to refugees and displaced persons in the Middle East;

Having considered the report of the Director-General (A24/B/19) and the annual report of the Director of Health of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA);

Further recalling resolution 9 (XXVII) of the United Nations Commission on Human Rights;

Noting that the Commissioner General of UNRWA has drawn attention that any further lowering of the already austere provisions of health services to refugees under his mandate would jeopardize the health of refugees and of the general public with whom they live;

Recalling General Assembly resolution 2672 (XXV) in which attention was drawn to the continuing critical financial position of the UNRWA and the serious effects of this crisis on the health activities of UNRWA;

Noting further that the reports published by competent organizations reveal

¹ A24/VR/16.

that the occupying authorities bar the distribution of medicaments by the International Committee of the Red Cross to the inhabitants of the Occupied Territories,

1. REAFFIRMS that the protection of the life and physical and mental health of the refugees and displaced persons require that they immediately be afforded to return to their homes, in accordance with the relevant resolutions of the United Nations;

2. CALLS UPON Israel to abide by the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which provides for essential safeguards for the protection of physical and mental health of the inhabitants of the Occupied Territories;

3. DRAWS THE ATTENTION that Israel's violations of basic human rights of the refugees, displaced persons and the inhabitants of the Occupied Territories constitute a serious impediment to the health of the population of the Occupied Territories, a matter the continuation of which would necessitate that the Organization should consider the application of Article 7 of its Constitution;

4. CALLS UPON Israel to refrain from any interference with the activities of the International Committee of the Red Cross in the Occupied Territories;

5. EXPRESSES its appreciation to the Director-General of the World Health Organization, the Director of Health of UNRWA and to the specialized and other organizations that provide assistance to the refugees, displaced persons and the inhabitants of the Occupied Territories in the Middle East; and

6. REQUESTS the Director-General of the World Health Organization:

(a) to take all other effective measures in his power to safeguard health

conditions amongst refugees, displaced persons and the inhabitants of the Occupied Territories in the Middle East;

(b) to continue and strengthen his co-operation with the International Committee of the Red Cross to provide material and human aid to the population of the Occupied Territories;

(c) to submit a comprehensive report to the Twenty-fifth World Health Assembly on the conditions of physical and mental health of the population of the Occupied Territories;

(d) to bring this resolution to the attention of all governments and non-governmental organizations concerned.

Adopted at the 16th meeting.

III

INTERNATIONAL COMMITTEE OF THE RED CROSS

33. Report on the Middle East Activities of the International
Committee of the Red Cross: June 1967-June 1970¹
August-September 1970

INTRODUCTION

The armed conflict between Israel and the Arab States, in June 1967, has given rise to extensive humanitarian problems in spite of the short duration of the war. In order to meet those problems, the International Committee of the Red Cross (ICRC), which as early as 25 May 1967 had delegated several of its representatives to Israel and the Arab States, quickly set up an organization to alleviate as much as possible the suffering engendered by the conflict and by the occupation of certain territories.

Generally speaking, the ICRC, as the neutral agency of the Red Cross acting in time of war to protect and assist the victims of hostilities, was able to carry out its activities: the Geneva Conventions were very widely applied and the ICRC delegates were in most cases able to fulfil their conventional duties.

However, while the problems related to the treatment of the wounded and the prisoners of war were settled relatively quickly, pursuant to the First and Third 1949 Geneva Conventions, the same cannot be said of those covered by the Fourth 1949 Geneva

¹

International Committee of the Red Cross, "The Middle East Activities of the International Committee of the Red Cross: June 1967-1970," *International Review of the Red Cross*, X, 113 (August 1970), pp. 424-459 and X, 114 (September 1970), pp. 485-508.

Convention for the protection of civilians, a detailed and complex legal instrument applicable for the first time in occupied territories.

As early as the beginning of July 1967, the ICRC informed the Israeli authorities that in its opinion the Fourth Convention was applicable and that the International Committee wished to examine with them the practical arrangements for the application of that Convention.

Whereas the Third Convention provided protection to several thousands of prisoners of war, most of whom were, incidentally, in Israel, the Fourth Convention was applicable to hundreds of thousands of civilians living in the occupied territories on the West Bank of the Jordan, in Gaza, in the Sinai and the Golan Heights. It was therefore to the implementation of that Convention that the ICRC directed its main effort.

One of the essential bases of the Geneva Conventions is the nomination of a Protecting Power or a substitute as the official body supervising the effective application of the Conventions. The States involved never having appointed such a body, the ICRC was in duty bound to offer increased assistance to the States parties to the conflict, and particularly to the Occupying Power, with a view to the implementation in as complete a manner as possible of the provisions of humanitarian law.

In addition, the resumption of hostilities, in spite of the cease-fire, brought further suffering in its wake and compelled the ICRC to intensify its efforts.

After three years work in Israel and the occupied territories, in the United Arab Republic, in the Syrian Arab Republic, in Jordan and in the Lebanon, the ICRC deems the time has come for it to put its considerable achievement on record.

GENERAL PROBLEMS

I. Application of the Fourth Geneva Convention

On 5 June 1967, the ICRC reminded all parties to the armed conflict in the Middle East of the humanitarian obligations which they had assumed when they acceded to the four Geneva Conventions of 1949: Lebanon on 10 April 1951, Jordan on 29 May 1951, Israel on 10 April 1951, the United Arab Republic on 10 November 1952, the Syrian Arab Republic on 2 November 1953 and Iraq on 14 February 1956. This was also communicated on 6 June 1967 to all National Red Cross and Red Crescent Societies of States parties to the conflict.

In addition, on 6 and 7 July 1967, the ICRC again drew the attention of the Governments mentioned above to the plight of those civilians who were victims of war and were protected by the Fourth Geneva Convention, and requested them to help and give support to its delegates who had been instructed to further the application of this Convention.

After the parties to the conflict had accepted the cease-fire ordered by the United Nations, and the general repatriation of prisoners of war had been effected through the ICRC, it was essentially the Fourth Geneva Convention that should have been applied, especially in the occupied territories.

The Geneva Conventions have not provided for a body whose function would be to decide in what circumstances they are applicable. The application therefore results from the objective conditions fixed by the Conventions themselves, and it is the States themselves which are bound by these instruments and, in particular, those involved in an armed conflict which are responsible for their implementation. Moreover, it is provided that the Conventions shall be applied with the co-operation and under the scrutiny of the Protecting Powers. This question is dealt with in II

below.

During the course of an armed conflict, of whatever nature it may be and however it is called, where a territory under the authority of one of the parties passes under the authority of an opposing party, there is "occupation" within the meaning of Article 2 of the Geneva Conventions.

The ICRC wished, therefore, already at the beginning of July 1967, to state clearly its position on this point by a memorandum in writing as well as by approaches made on various occasions by its Middle East delegation. Further, in a note dated 24 May 1968 addressed to the Government of Israel, it stated that, in its opinion, conditions were appropriate for the application of the Geneva Conventions and of the Fourth Convention, in particular, in the occupied territories. In its reply of 16 June 1968, the Israeli Government confirmed its desire that the ICRC should continue its humanitarian activities in the three occupied territories on an ad hoc basis and stated its readiness to grant to it all facilities required. But it added that it wished to leave the question of the application of the Fourth Convention in the occupied territories open for the moment.

The ICRC, for its part, has not modified in any way its viewpoint in this respect, and has always based itself on the Fourth Geneva Convention as a whole, within the limits of which the Israeli Government authorizes it to act. It has, in this way, obtained, in actual fact and in numerous fields, the effective application of this Convention in the occupied territories of the West Bank of the Jordan, the Golan Heights, Gaza and Sinai.

On several points, the Israeli authorities have responded to the ICRC's requests and have granted it the facilities it requires for its action under the Geneva Conventions. But on some other points, its efforts and interventions have come up against Israel's general reservations with regard to the applicability of

the Fourth Convention; these points, such as the destruction of houses and the deportation of protected persons, are examined in detail in Part II of this paper.

The ICRC has brought up this problem of the applicability of the Fourth Geneva Convention in three of its published documents. First of all, on 22 October 1968 in a memorandum sent to Red Cross National Societies, it declared: "From the legal point of view, while the ICRC always maintained that the Fourth Convention was applicable in its entirety in the three occupied territories, the Israeli Government declared, notwithstanding repeated representations on the part of the ICRC, that it wished to leave the question of the applicability of the Fourth Geneva Convention in the occupied territories open for the moment, preferring to act on an ad hoc basis by granting delegates practical facilities." The second and third statements were couched in similar terms, one in the 1968 Annual Report, and the other in Topical Red Cross News of 30 January 1969 (No. 114). These documents were made available in 1969 to the group of experts appointed by the United Nations Human Rights Commission, and, in 1970, to the special committee set up by the United Nations General Assembly to enquire into Israeli activities affecting human rights in the occupied territories.

At the XXIst International Conference of the Red Cross (Istanbul, September 1969), the representatives of Israel stated publicly their position as regards the applicability of the Fourth Convention. The Conference adopted a Resolution on this subject in which, inter alia, it deplored "any refusal to apply and implement the provisions of the Fourth Geneva Convention in its entirety."

II. Protecting Powers and Substitutes for Protecting Powers

The onus for applying effectively the Geneva Conventions lies primarily on the States themselves. In addition, the Conventions provide that they "shall be applied with the co-operation and under the scrutiny of the Protecting Powers whose duty it is

to safeguard the interests of the Parties to the conflict" (Art. 8/8/8/9).¹

The authors of the Conventions have in this way shown the great importance attached to the scrutiny of the Protecting Powers, which is exercised in the interest of victims and so that their protection might be more extensive and efficacious. Moreover, provision was made for "substitutes," where no Protecting Power has been designated, according to the procedure set forth (Ist, IInd and IIIrd Conventions, art. 10; IVth Convention, art. 11). In such cases, the Detaining Power shall request a neutral State or an organization which offers all guarantees of impartiality and efficacy to undertake the functions performed under the present Conventions by a Protecting Power. If such protection cannot be arranged, the Detaining Power shall then request or shall accept the offer of the services of a humanitarian organization, such as the ICRC, to assume the humanitarian functions performed by Protecting Powers.

The provisions of these Conventions, the essential parts of which are stated above, leave no uncertainty as to the possibility afforded to all States involved in armed conflicts to appoint at the beginning of hostilities a Protecting Power, or failing this, as to their obligation to request a State or neutral organization to assume the functions performed by such a Power.

However, none of these two possible steps has been carried out by any one of the Parties, neither during the fighting, nor after the cease-fire. In view of this situation, a note was sent by the ICRC on 4 April 1968 to the States directly involved in the Middle East conflict (Jordan, the United Arab Republic, Syria, Lebanon and Israel) with regard to the application of the Geneva Conventions. It

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This abbreviation refers to the articles of the First, Second, Third and Fourth Conventions.

drew their attention to the contractual possibilities and obligations of the Governments concerned that they should designate a Protecting Power or a substitute for it, as well as to the procedure to be followed. It added that, to its knowledge, no State or organization had been requested to assume this role.

The only official reaction to this note was from the Jordanian Government, which, in its letter of 31 May 1968, limited itself to stating that it did not accept the ICRC's viewpoint as set forth in the note.

Consequently, in the present state of affairs, the functions of scrutiny entrusted to Protecting Powers or their substitutes by the Geneva Conventions have not been, in the Middle East conflict, entrusted to the ICRC. Its action in this conflict is based on contractual provisions setting out explicitly some of its particular duties as well as on the general article (art. 9/9/9/10) which recognizes its right to take action with respect to humanitarian activities other than those explicitly provided for.

On this basis, the ICRC endeavoured as much as possible to carry out its customary activities in favour of victims, even including such functions which, normally, would have fallen within the sphere of a Protecting Power, such as, in particular, investigations of the health situation in the occupied territory, of the destruction of houses and deportations, and enquiries into penal legislation and procedure. Nevertheless, the absence of Protecting Powers or of designated substitutes does not in any way discharge the States parties to the conflict from fulfilling their contractual obligations.

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ICRC ACTIVITIES IN FAVOUR OF PROTECTED PERSONS¹Section I: The ICRC Presence in the Belligerent
Countries

I. ICRC Delegations

In view of the growing tension in the Middle East in May 1967, the ICRC thought it advisable to send a number of its delegates to Cairo, Tel-Aviv, Amman, Damascus and Beirut on 25 May.

On 7 June, the ICRC despatched an aircraft bearing the red cross emblem to the Middle East, carrying five more delegates and medical equipment. Since the end of June, the ICRC had about thirty delegates (not counting local recruitment) distributed in the countries directly involved in the conflict, namely, Israel, the United Arab Republic, Syria, Jordan and Lebanon. Besides the actual delegates, these various missions comprised doctors, specialists in relief and Central Tracing Agency specialists for tracing and making enquiries on behalf of families.

The number of delegates varied, especially in 1967, according to the needs. The largest group (between 10 and 16 delegates) was always in Israel and in the three occupied territories of Jordan West Bank, the Golan Heights and Gaza-Sinai. The other delegates (maximum number 15) were distributed between Nicosia, Cairo, Amman, Damascus and Beirut. From June to November 1967, the general delegation,

¹ Protected persons under article 4 of the Fourth Geneva Convention of 1949 are those "who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals." Nationals of a "neutral" State or of a co-belligerent State who do not enjoy the protection of a Protecting Power shall also be regarded as protected persons in the territory of a belligerent State.

centre of ICRC's operations, was established in a neutral country, at Nicosia (Cyprus), from where the aircraft which the ICRC kept permanently on hand for four months could swiftly fly to the different countries concerned. The ICRC Delegate-General, with instructions to co-ordinate operations as a whole, was based on Nicosia until November 1967, at which date the ICRC centre of operations was transferred back to Geneva.

At 31 May 1970, the situation could be summarized as follows:

Israel and the occupied territories - The ICRC delegation in Israel and the occupied territories is composed of 15 delegates sent from Geneva and an administrative staff of 21 persons, Swiss, Israelis and Arabs. Its headquarters is at Tel-Aviv, with four delegates, including those in charge of the service of visits to detainees and the prisoners of war department. The delegation includes also three sub-delegations, one at Jerusalem for the occupied territory of Jordan West Bank (5 delegates), one at Gaza for the occupied territories of Gaza-Sinai (5 delegates), and one at Kuneitra for the occupied Syrian territory of the Golan Heights and for Israel-Lebanon frontier incidents (1 delegate).

Since they were opened, the ICRC offices have been visited by a large number of protected persons. For instance, nearly 40,000 persons went to the Gaza sub-delegation, not counting thousands of people who called at the ICRC office set up at El Arish in the Sinai Peninsula.

About 15,000 persons visited the Jerusalem office. There should be added to these a large number of protected persons who visited various local correspondents of the ICRC in the occupied territories (local Red Crescent branches, Women's Unions, Groups of Elders, locally-recruited staff of the delegation). These local correspondents receive an average of 150 visits a week, or 4,000-5,000 persons per year, if one takes into account those visitors who come more than once.

In addition to the work they do at their permanent bases, delegates systematically travel all over the occupied territories, by car and on foot, to see the persons under their care, and, since June 1967, they have covered 1.5 million kilometres.

Thus, they have been more than 250 times to the river Jordan, 80 times to the Lebanese frontier, nearly 300 times to El Arish and more than 100 times to the Suez Canal, El Qantara or Ismailia.

United Arab Republic. - The ICRC delegation in the United Arab Republic is composed of two delegates: the head of the delegation and his assistant. There is a staff of 7 persons, all Arabs. The headquarters of this delegation is at Cairo.

Jordan. - The ICRC delegation in Jordan is composed of three delegates: the head of the delegation and two assistants. The staff includes a clerk and an Arab secretary. The headquarters of this delegation is at Amman.

Syrian Arab Republic. - The headquarters of the ICRC delegation in the Syrian Arab Republic is at Damascus. It consists of the head of the delegation, a locally-recruited clerk and a secretary.

Lebanon. - The headquarters of the ICRC delegation in Lebanon is at Beirut. It consists of the head of the delegation and a clerk. Local office staff consists of one person.

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Section III: ICRC Activities Pursuant to the Fourth Geneva Convention

The importance of ICRC activities under the provisions of the Fourth Geneva Convention for the protection of civilians in no way diminished.

One of the ICRC's first concerns was to set up sub-delegations in each of the three territories occupied by Israel. On 4 July 1967 it was able to delegate representatives to Jerusalem for the occupied territory west of the Jordan, to Gaza for the occupied territories of Gaza and the Sinai, and to Kuneitra for the occupied Golan Heights. As a result of negotiations with the Ministry of Defence, its delegates were able to move about freely and visit the various localities in those regions.

I. Transmission of Family News

1. Organization

The ICRC first organized in the occupied territories a system of distributing civilian messages from one side of each cease-fire line to the other, particularly for the many families separated by the large-scale population movements which had occurred during hostilities. These messages were written on standard Red Cross forms providing space for two handwritten letters not exceeding 25 words each and intended for one two-way trip between correspondents. Exchange of family news is provided for in article 25 of the Fourth Geneva Convention.

2. ICRC Negotiations

a) Use of ICRC Forms

In June 1967 the Israeli relief society, the Magen David Adom, declared its willingness to collect and distribute family messages in the occupied territories. A difficulty arose however due to the fact that the Magen David Adom's printed forms bore the emblem of the Red Shield of David and were not accepted by the censor in most of the countries of destination. It was therefore impossible for the population of occupied territories to correspond with their relatives living on the other side of a cease-fire line.

Negotiations with the Israeli authorities were therefore started in June 1967. The ICRC delegation asked that it be permitted to collect, distribute and transmit family messages on ICRC forms to the Arab countries. On 11 July 1967, the Israeli Minister of Defence stated that orders had been given for the normal forwarding of ICRC messages. This assurance was renewed following further negotiations in 1968.

b) Censor

Normal censorship delaying mail, the ICRC undertook to speed control both in Israel and the Arab countries, and it managed to do so to some extent.

In the first few months after the outbreak of conflict in June 1967, the ICRC delegation in Israel and the occupied territories organized its own system for the collection and distribution of family messages. Red Cross letter-boxes (e.g. 18 in the Gaza strip) were provided in the occupied territories and the delegates themselves saw to the distribution. The system was maintained until the postal authorities in the occupied territories themselves undertook this work. At present the ICRC message forms may be obtained on request from the post offices in occupied territories. The same post offices also accept messages and relay them to the censor, who forwards them

to the ICRC office in Tel-Aviv for despatch to the ICRC delegations in the Arab countries. The system is the same for mail from the Arab countries. The postal administrations in Israel and all the Arab countries transmit messages bearing the sign of the red cross free of charge.

From time to time the delegations carry out a check to see how long messages are held up by the various censors, and intervene where need be.

c) Result

From June 1967 to 31 May 1970 some 1,400,000 messages had been exchanged between the occupied territories and the Arab countries.

II. Repatriation of Civilians¹

Military operations resulted in the exodus of a large part of the population from territories now occupied by Israel. Among those who fled were many 1948 refugees.

After the hostilities, a considerable number of these displaced persons, living under difficult conditions, expressed the wish to return to their homes in occupied territory. In addition, many Egyptian civilians wished to leave the occupied Gaza and Sinai to return west of the Suez Canal.

One of the ICRC's first duties, once the emergency had passed, was to obtain authorization from the Occupying Power for displaced persons to return to the occupied territory of the West Bank of the Jordan and to discuss with the Government of the UAR arrangements for the return of its citizens. All these repatriation operations were carried out under the auspices of the ICRC and its delegates.

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A distinction should be made between the "repatriation of civilians" and the family "meetings" provided for in article 26 of the Fourth Geneva Convention.

1. Return of Displaced Persons to the West Bank of the Jordan

The ICRC delegates asked that persons displaced by the conflict be authorized to return to their homes. In July 1967, the Israeli Government agreed to grant individual authorization to permit civilians to return to their homes on the West Bank of the Jordan. For that purpose, each head of a family was to apply on an appropriate form. There then arose the difficulty of finding a heading for forms which would be acceptable to the Governments both of Israel and of Jordan.

After lengthy negotiations, the ICRC proposed, and the Governments agreed, that a representative of the Jordanian Red Crescent should meet an Israeli civil servant various times under ICRC auspices by the Jordan. This led to an agreement which was signed in July 1967. The heading of the form included the name of both States beside that of the ICRC.

After examination and approval of applications by the Israeli authorities, who thus retained a supervisory power for security reasons, permits were issued to enable applicants to cross the Jordan with their families. These operations began on 18 August 1967 and were attended by representatives of the Jordanian Red Crescent, the Magen David Adom and the ICRC.

For some 140,000 persons, 35,184 repatriation applications were forwarded by the ICRC delegation to the Israeli Ministry of the Interior. By the end of the planned period for repatriations, 31 August 1967, the Ministry had approved 4,699 applications and the forms were sent to Amman through the ICRC. Some 19,000 persons were thus authorized to return to their homes. Of that number, 14,051 crossed the Jordan between 18 and 31 August 1967, i.e. a daily average of 1,000 refugees, among whom there were none of the 1948 refugees displaced a second time during the June 1967 conflict.

Faced with the occupying authorities' decision to discontinue the operation as from 31 August 1967, the ICRC appealed to the Israeli Government to extend the time-limit in order to enable all who wished to return to do so, or at least all whose applications had been accepted. The Israeli Government refused on 22 October 1967 but stated it was prepared to authorize family reunions in accordance with a procedure to be laid down.

In the autumn of 1968 the Israeli Government decided to permit the beneficiaries of the unused permits issued in 1967 to return to the occupied territory west of the Jordan. The operation, announced in the United Nations Security Council on 8 October 1968, was to take place from 24 November 1968 to 31 January 1969. Unfortunately only about a hundred persons returned during that period. The Israeli Government therefore decided to re-allocate, from case to case, to fresh applicants, permits not used by 31 January 1969.

The ICRC, which had considerably contributed to the implementation of the first phase of this repatriation operation, from that time on no longer had an active role; in this second phase the permits were issued to the beneficiaries in Jordan through Arab officials of the administration in the occupied territory who went regularly to Amman for that purpose.

2. Return of Egyptian Citizens to the Nile Valley

After the June 1967 conflict, the ICRC delegation estimated that there were about 6,000 unemployed Egyptians from the Nile Valley, in Gaza and the Sinai. All were temporary residents (civil servants, teachers, visitors, etc.) living in Gaza or El Arish with their families. They wished to return west of the Suez Canal and

sought ICRC assistance. Consequently, at the end of June 1967, the ICRC asked the Occupying Power and the Egyptian Government to agree to the return of these persons to their homes.

On 26 July 1967 the Israeli Government conveyed the following reply:

- a) All persons from the UAR living in the Sinai were authorized to go back to the Valley of the Nile, but would not be authorized to return.
- b) Women and children nationals of the UAR living in Gaza could also cross the Suez Canal. On the other hand, men between the ages of 18 and 65 would not be authorized (they were temporarily interned at El Arish).

The ICRC then drew up a list of Egyptians from the Nile Valley wishing to return there. It transmitted this list to the UAR and Israeli authorities for agreement to the return of these people to their homes. There were about 6,000 applications.

In the last months of 1967 several convoys were organized in which more than 4,000 Egyptians returned to the Valley of the Nile. Subsequently the internees were also included in the operation.

Since January 1970 a similar transfer operation has been under way for the benefit of the civilian population evacuated to El Arish from El Qantara on 8 January 1968 and now authorized to go to the Valley of the Nile.

3. Return of Syrian Citizens to Golan

See III: "Family Reunions."

4. Return of Egyptian and Palestinian Nationals to the Sinai and Gaza respectively

See III: "Family Reunions."

5. Results

Under the civilian repatriation programme in 1967 some twenty thousand persons were enabled to return to their homes on one side or other of the cease-fire lines, under ICRC auspices.

III. Family Reunions

Just as it involved the exodus of part of the population from occupied territory, the June 1967 war separated many families because a member was outside the territory when the war broke out or because the families scattered as the enemy advanced.

After having first tried to obtain from the Israeli authorities permission for the repatriation of the largest possible number of Palestinians who had fled east of the Jordan, and for Egyptian nationals to leave the occupied territory of Gaza, the ICRC began negotiations for the reuniting of separated families in all the occupied territories.

1. West Bank of the Jordan

The Israeli authorities raising no objection to the departure of inhabitants from the West Bank, the reuniting of families east of the Jordan required no particular intervention by the ICRC.

When repatriation operations ceased in August 1967 and the Israeli Government informed the ICRC that it did not envisage any resumption, the ICRC delegate sought ways and means of reuniting dispersed families. This was the more urgent as the number of families on the West Bank of the Jordan with one or more relatives beyond the cease-fire line was high and in many cases the separation was the cause of extreme hardship.

Even before any formal procedure was decided for family reunion operations, the delegation was able to arrange, with the agreement of the military authorities, a number of particularly urgent reunions: some 200 persons crossed the Allenby Bridge towards the West Bank in August 1967. The delegation also organized at that time the return of 170 children whose parents were resident east of the Jordan.

On 11 October 1967 the Israeli Government officially informed the ICRC delegation that a procedure for family reunions had been laid down. This decision was confirmed in writing by the Prime Minister on 22 October. Two procedures for family reunions were laid down: an ordinary one and a special one for hardship cases.

a) Ordinary Procedure

The delegates transmitted to the Jordan Red Crescent the authorizations granted by the Israeli Ministry of the Interior. In addition, at each crossing of the Allenby Bridge under ICRC auspices, delegates were present. The delegation sometimes intervened to speed up the granting of permits by the military authorities.

The system became effective towards the end of 1967 but due to an incident on the Allenby Bridge on 21 January 1968, in which two ICRC delegates were seriously wounded, the reuniting of families was suspended.

The ICRC then asked that full security measures be taken. However, the Israeli authorities considering they could not accept the security measures suggested by the ICRC, laid down a new procedure, namely that representatives of municipalities on the West Bank would convey the authorizations to Amman and would return accompanied by the beneficiaries of the authorizations.

From that time on, the ICRC delegates were no longer in attendance at the Allenby Bridge, but they nevertheless continued to intervene in many individual cases.

In addition, the head of the ICRC delegation, towards the end of 1968, appealed to the Ministries of Foreign Affairs, Interior and Defence for the broadening of the

criteria for admission which had been stipulated for internal security reasons but which in practice deprived certain categories of persons, particularly adult males, from joining their kin in the occupied territory.

b) Special Cases

The Israeli Government in a letter on 22 October 1967 set forth a special procedure for cases considered worthy of priority on compassionate grounds (mothers separated from their children, old people with no support, etc.). However, in spite of the many overtures by the ICRC delegates to establish a quicker procedure, the long time required by the Ministry of the Interior to examine cases was sometimes hardly consistent with humanitarian requirements. Moreover, one-third of applications were refused although they had been selected on the grounds of urgency.

The delegates also intervened in certain very urgent cases (serious illness, death of a relative on the West Bank) for permits authorizing short visits. They personally submitted cases of sick persons residing outside the occupied territory wishing to go to the hospital in Jerusalem, for instance, and who had no family to submit their application to the Israeli authorities.

The ICRC delegation in Israel also saw to it that persons residing west of the Jordan but stranded east of the river could return to their homes even when they had lost their permit or allowed it to expire.

Although the number of cases under this special procedure was relatively few, the ICRC delegates spent a considerable part of their time dealing with them.

2. The Gaza Strip and the Sinai

As in the other occupied territories, the June 1967 war separated many families in Gaza and the Sinai, thousands of Palestinians having fled to the west of the Suez

Canal, and many Egyptians were stranded in Gaza or the Sinai, suddenly separated from their families.

In July 1967, the Gaza sub-delegation petitioned the military authorities to allow Palestinians to join their families in the Gaza Strip. On 26 July 1967, the occupation authorities communicated the following decision to the ICRC: "Every Palestinian wishing to rejoin his or her family in Gaza may lodge an application which will be examined." Thereupon, the first series of applications collected by the ICRC delegation in Cairo were submitted to the occupying authorities. Two hundred were accepted and in November of that year most of the applicants had rejoined their families in Gaza.

On 22 February 1968, in view of the increasing number of applications, the ICRC delegation in Israel again appealed to the Minister of Defence who stated that these family reunion operations could continue provided the UAR authorities also agreed to allow Egyptians in the Sinai to join their families in the UAR. It was agreed that these reunions would not be based on strict numeric reciprocity; the only condition stipulated was that the traffic be two-way. Negotiations were undertaken in Cairo and the UAR authorities gave their agreement.

The way being open, the ICRC delegations in Cairo and Tel-Aviv arranged a procedure which is still applicable, namely:

Candidates fill an application form in the ICRC offices in Cairo, El Arish and Gaza; through the intermediary of the ICRC the forms in respect of Palestinians are sent to the delegations in Israel and those relating to Egyptians are sent to the delegations in the UAR. These applications are then submitted to the authorities in each country who examine them before issuing authorizations to return. The delegations in Cairo and Tel-Aviv inform each other of the names of the persons so authorized to join their kin and they also inform the persons themselves so that they may make preparations to leave.

Every five to six weeks, the delegations, in co-operation with the respective military authorities, organize a convoy of some 200 persons. Rendez-vous is fixed in El Qantara and on the appointed day the Suez Canal for some 25 miles between

Ismailia and El Qantara is considered a neutral zone. At the agreed time the two groups of people, one after another, cross the canal under ICRC auspices and on the same day return to their families either in the Gaza Strip or on the western bank of the Suez Canal.

So far, some 5,500 persons have taken advantage of the family reunion operations between the UAR and the Gaza Strip.

Negotiations were also undertaken to enable Palestinians in countries other than the UAR to return to the Gaza Strip. The case of some Palestinians in Jordan was submitted to the military authorities in Gaza in July 1968 but in spite of the many overtures to the authorities, no response has been received. Nevertheless, the ICRC delegations in Amman and at Gaza, in the first months of 1969, arranged the return of some 200 Palestinian children who had been evacuated to the east of the Jordan when war broke out and whose parents had remained in Gaza.

3. Syria and the Golan Heights

As a result of the June 1967 war some 100,000 Syrians fled from their homes on the Golan Heights to Damascus. At the beginning of 1968 it was estimated, according to the ICRC sub-delegation in Kuneitra, that the population on the Golan Heights comprised 6,848 Druzes, 388 other Moslems, 17 Christian Arabs and 5 Tcherkesses.

In 1967 and the beginning of 1968 the occupation authorities permitted practically no one to return to the occupied Syrian territory. However, in January 1969, the ICRC's efforts resulted in the Israeli authorities' giving their agreement in principle. The first family reunion operation took place in that same month under ICRC auspices. It was followed by eight more until they were suspended on 15 June 1969. Following further negotiations, they were resumed in January 1970. By 31 May 1970 more than 600 persons had been able to join their families on the Golan Heights.

IV. Deportations and Population Movements

1. Deportations

Article 49 of the Fourth Geneva Convention forbids for any motive whatsoever the deportation of protected persons from occupied territories. The ICRC is in no position to say whether allegations of expulsion during and immediately after hostilities are founded. On the other hand, its delegates have subsequently observed many cases of deportations outside of the occupied territories of Golan and the West Bank of the Jordan.

a) Golan Heights

The Moslem population of the Golan Heights, estimated to be 110,000 persons before the June war, was about 8,000 shortly after it, 1000 people then being resident in Kuneitra. On 31 May 1970 the Arab population of Kuneitra was no more than 11 persons.

Consistent with the general principles of humanitarian law and particularly with Article 49 of the Fourth Geneva Convention, the ICRC delegation in Israel, as early as 1967, several times attempted to put a stop to the various kinds of pressure exerted to force the remaining Arab inhabitants of the Golan Heights to leave for other parts of Syria.

The ICRC delegate in Kuneitra made numerous contacts with the military Government in the region. The head of the ICRC delegation had several interviews on the subject at the Ministries of Foreign Affairs and Defence. The official Israeli position was confirmed in writing on 7 April 1968, namely that the occupation forces were doing nothing to induce the population to leave the territory or to stay. The Government stated that there had been no deportations but voluntary departures which were understandable since there was no prospect of a normal life in the near future for the remaining families.

b) West Bank of the Jordan

Deportations from the West Bank of the Jordan recorded by ICRC delegates in Israel have all been mentioned in official publications issued by the Israeli authorities. These deportations, to the Eastern Bank of the Jordan, were of individuals accused of political activities hostile to the Occupying Power. The number of persons involved is about 80.

In this case too the head of the ICRC delegation in Israel made efforts to intervene, the main steps he took being as follows:

In November 1968 he emphasized that the recent deportation of ten persons was a breach of the Fourth Geneva Convention. The Israeli authorities replied that the persons concerned had been engaged in political activities detrimental to the interests of the State, that they would have been interned if they had not been deported and that of the two possibilities the second was the more humane; furthermore, it was not a case of deportation since the persons expelled were Jordanian citizens transferred to non-occupied Jordanian territory. The ICRC made it clear that it did not consider that interpretation to be consistent with the terms of article 49 of the Fourth Convention.

In January 1969 the problem of deportation was again debated but the standpoints adopted remained unchanged.

In May 1969, the head of the ICRC delegation handed to the Ministry of Foreign Affairs letters, which he supported, from two women deportees asking for permission to return to the West Bank of the Jordan. These requests had been based on a statement by the Ministry of Defence on 20 November 1968 that every application to return would be taken into consideration provided the applicants renounced, in writing, all political activity. After the negative response of the Ministry of Foreign Affairs, these cases were submitted to the military authorities which also replied negatively.

c) Gaza Strip

In July 1968 the population of Gaza complained to the ICRC delegation that pressure was being brought to bear on refugees in the UNRWA camp to induce them to settle east of the Jordan. After on-the-spot enquiries, the head of the ICRC delegation asked that the offices in the refugee camps which granted subsidies to voluntary emigrants should be closed. The Israeli authorities replied that, in view of the misunderstandings just mentioned, those offices would be closed.

2. Transfer of Populations within Occupied Territories

Article 49 of the Fourth Geneva Convention does not authorize an Occupying Power to evacuate any or all of a region unless the "security of the population or imperative military reasons so demand." It also stipulates that the persons thus removed shall be provided with proper accommodation.

a) West Bank of the Jordan

aa) Removal of Inhabitants from the Al Sharaf District of Jerusalem.

- In April 1968 the Israeli authorities warned the inhabitants of the Al Sharaf district that their homes were to be expropriated against compensation. The ICRC sub-delegation in Jerusalem enquired thoroughly into the conditions of expropriation and transfer affecting some 670 families, or 3,500 persons.

In March 1969, the ICRC delegation learnt that most of the persons transferred had accepted the compensation. Consequently the delegation had no cause to intervene.

bb) Evacuation of 5 houses in the old town of Jerusalem, in June 1969.

- The Israeli Government stated that this evacuation had been decided for security reasons, that it was a temporary measure, and that the families would be allowed to return to their homes once security arrangements had been completed. The ICRC sub-delegation in Jerusalem verified that all the families affected were re-housed and compensated.

cc) Beit Sahour.

- The delegation having been informed by the local population during the winter of 1969-1970 that the occupation authorities intended to expropriate a large part of the village of Beit Sahour, near Jerusalem, for military reasons, it intervened at various levels to induce the authorities to reduce to the minimum the area which they claimed it was essential for them to expropriate for military reasons.

dd) Kirbit Beit Zacharia.

- Information was received that the Israeli authorities had decided to requisition an area of 1,345 "dunams" in the territory called Etzion in the hills near Hebron in the occupied West Bank, and to expropriate another 860 dunams in the same territory. These two measures therefore involved about 550 acres. The 860 dunam plot of land is inhabited by 80 Arabs who live in 10 houses and some small buildings - 55 rooms in all - and who live on the product of the soil.

The ICRC delegation in Israel, to which the problem was submitted by the local population on 16 October 1969 intervened several times with the Israeli authorities. It also made several visits to the Kirbit Beit Zacharia inhabitants threatened with expulsion and met the lawyer appointed by them for the defence of their interests.

The object of these preliminary steps was to obtain full information and enquire into the military or other reasons for the action envisaged. This last point has still not been clarified and will be pursued further by the ICRC. On 31 May 1970, the inhabitants of this village were still in their own homes.

b) *Sinai*aa) *Inhabitants of El Qantara-East.*

- At the end of 1968 the town of El Qantara was almost daily under fire and the occupation authorities decided to evacuate 855 inhabitants to El Arish. The ICRC delegation in Israel was notified of this transfer which took place on 8 January 1969. The ICRC delegates were present when the people evacuated reached El Arish and they verified that the voyage had been carried under reasonable conditions. They observed that the persons were rehoused in a satisfactory manner. They also arranged for the occupation authorities to help some of the families. In addition the occupation authorities generally found for the heads of the displaced families work comparable to that which they had had in El Qantara.

bb) *Displaced Bedouins.*

- At the beginning of 1969, thirteen Bedouin tribes from the western part of the Sinai were removed for military security reasons without the ICRC's having been informed. The number of persons involved was about 3,200.

As soon as they learnt of this operation, the ICRC delegates visited the displaced Bedouins whose living conditions they observed to be unsatisfactory. The ICRC delegation advocated their return to where they had come from and asked that their conditions be improved. On 3 March 1969 the Military Governor of North Sinai was asked to see to it that their water supply was improved, that they received food, and that they recovered the personal effects which they had been unable to take with them. The delegations also asked permission to provide them with tents and blankets.

As a result of these efforts some of the Bedouins recovered their personal effects, the military authorities putting a lorry at their disposal. Moreover, nine of the thirteen tribes were authorized to return temporarily to the area they had come from in order to tend their date-palms. In May 1969, eight of the tribes were permitted to return definitively to the regions where they had previously lived. The five remaining tribes are now in receipt of food from the Israeli Ministry of Social Affairs. The ICRC delegation in 1969, provided them with 40 tarpaulins and 800 blankets. These same Bedouins were also included in the distribution of 700 tons of foodstuffs in August 1969 in the Sinai. The delegations is continuing its efforts nevertheless with a view to improving the living conditions of these tribes who have not yet been authorized to return to the land which they had to leave.

cc) *Expropriation at Shaikh Zuwaïd.*

- Some 40 families living near the village of Shaikh Zuwaïd received notice to quit their homes in the beginning of 1969. The occupation authorities invoked security to justify this displacement of the population. The ICRC delegation intervened several times with the military authorities to ensure that this transfer was effected in conformity with the provisions of article 49 of the Fourth Convention. The problem has still not been settled, as the people concerned refuse compensation.

dd) *Expropriation at El Mansoura.*

- In July 1969, the ICRC delegation learnt from the local population that some 1,000 persons living at El Mansoura were to be removed from an area of some 12 to 15 square miles, a third of which was under cultivation.

The ICRC delegates immediately visited the persons due to be evacuated. On 9 July 1969 the head of the delegation asked that the area from which they were to be removed be restricted to the size strictly required for security reasons and that arrangements be made for their satisfactory re-housing and compensation.

The occupation authorities replied in writing on 24 July 1969 that they would indemnify and help the inhabitants of the El Mansoura region to find new land. At present, all these people are grouped outside the evacuated area, the extent of which has been considerably reduced.

ee) *Palestinians in the Sinai.*

- In 1969, for security reasons, three groups of Gaza Palestinians, respectively 3, 10 and 6 persons, were temporarily exiled and placed in assigned residence in the Sinai. The ICRC delegate visited them and enquired into their living conditions. The necessary improvements were requested, on the basis of articles 78 and 39 of the Fourth Geneva Convention. Reports on these visits were conveyed to the Detaining Power and to the persons' own Government.

3. Conclusions

The absence of a Protecting Power and the Israeli Government's guarded attitude to the applicability of the Fourth Geneva Convention have resulted, inter alia, in the occupation authorities' spontaneously notifying the ICRC of their decisions to transfer protected populations only in the case of El Qantara-East.

When intervening for strictly humanitarian reasons in situations to which article 49 of the Fourth Geneva Convention applies, the ICRC was concerned only with problems directly affecting the living conditions of protected persons. It is for that reason that it did not intervene when the Occupying Power transferred some of its own civilian population to the occupied territories unless such transfers were immediately detrimental to the Arab residents.

V. Destruction of Property

Article 53 of the Fourth Convention states that "any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or

co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations."

Moreover, Article 33 declares that no protected person may be punished for an offence he or she has not personally committed.

Delegates of the ICRC, in the course of their daily unrestricted movements in the occupied territories, found that there were three kinds of destruction carried out as measures of punishment.

1. Destruction of villages or town quarters

In 1967, ICRC delegates observed, after the event, that the following villages and camps had been destroyed: Yalou, Beit Numa and Yuwas, in the Latroun area; Surif, Beit Awwa, Beit Mirsem and Il Shuyoukh in the Hebron area; and Jiflik, Agarich and Nuseirat in the Jordan valley. They also saw that certain quarters of Jerusalem, Qalquilya and Tulkarem had been demolished.

The delegates had never personally witnessed at any time these acts of destruction actually taking place, as they had always been carried out in areas which were declared to be military zones. The protected persons who had lived there stated that, after the inhabitants had been evacuated, the dwellings had been destroyed by the army of occupation. According to these same statements, the villages of Yuwas, Yalou, Beit Numa, Surif, Beit Awwa and Beit Mirsem had been destroyed between 10 and 15 June 1967, Il Shuyoukh at the end of October, Jiflik and Agarich in November and Nuseirat on 6 December 1967.

In his letter of 4 August 1967, the head of the ICRC delegation in Israel had stressed that such measures were contrary to Article 53 of the Fourth Convention; he asked what steps the Occupying Power intended to take on behalf of the inhabitants who had been displaced. Following several further representations by the

ICRC, the Ministry of Foreign Affairs replied on 31 October 1967 that the villages near Latroun had been destroyed in the course of violent fighting that had occurred in that area. It added that the Israel Government had tried to provide some assistance to the families affected by the military operations and that it was prepared to discuss with the ICRC the question of aid that the latter might wish to provide.

When, as already mentioned, villages were destroyed in October, November and December 1967, the head of the delegation, on 21 December 1967, reiterated verbally to the Ministry of Defence the ICRC's opposition to such measures.

The families whose homes had been destroyed received assistance from certain relief organizations and from the Occupying Power. Delegates were able to see that the villages in the Latroun area and in the Jordan Valley had not been rebuilt. As far as it is known to the ICRC, no compensation has yet been paid to victims. On the other hand, destroyed villages in the Hebron area have been rebuilt by their inhabitants, with assistance in cash and in kind from the Occupying Power. The same applies to those quarters of Qalquilya that were destroyed.

2. Destruction of houses

In the occupied territories of Jordan West Bank, Gaza and Sinai, delegates observed that, since 1967, a number of houses belonging to, or inhabited by, protected persons, had been destroyed by order of the military authorities. They had also noticed that some houses not in military zones had been destroyed.

As soon as these incidents were brought to the notice of the ICRC, and had been verified by its delegates on the spot, the ICRC and its delegation in Israel expressed to the Israel Government their grave concern at such acts. The ICRC demanded that the authorities in the occupied territories should refrain from the

use of such repressive measures.

Besides the numerous representations made locally by the ICRC delegation, the principal steps that were taken by the ICRC are here set out:

On 16 October 1967, the ICRC Delegate-General for the Middle East protested against the practice of destroying houses. The spokesman of the Israeli authorities replied that Articles 33 and 53 of the Fourth Convention could not be put forward, as they referred to cases of destruction of property by vandalism, or to acts of reprisal properly so called; he claimed that the acts of destruction carried out by the Israeli armed forces as a punishment for acts recognized as criminal constituted a relatively mild form of punitive action and had been adopted to safeguard national security.

On 22 February 1968, the question was brought up before the Ministry of Defence, who confirmed the position of the Israel Government, namely that it was not for the ICRC to intervene in a question that affected directly the maintenance of the security of the State. Nevertheless, the Minister was prepared to examine with the delegates, on an ad hoc basis, the humanitarian problems arising from these acts of destruction. He also gave assurance that persons whose houses had been damaged as a result of secondary effects or had been destroyed by mistake would receive due compensation.

In April 1968, Mr. Pierre Gaillard, Assistant Director of the ICRC, went on a special mission to Israel and the problem of the destruction of houses was again discussed.

On 8 August 1968, the head of the ICRC delegation in Israel reiterated to the Minister of Foreign Affairs the grave concern with which the ICRC viewed the destruction of houses in the occupied territories. With regard to the question of compensation for houses damaged as a result of secondary effects or by mistake, the delegate found that, in the previous six months, no compensation had been paid, except in a few cases. The Minister confirmed that the decision to pay appropriate compensation, and even to rebuild any houses that had been destroyed by mistake, had been approved.

On 20 October 1968, following a new series of acts of destruction in the areas of Gaza, Hebron and Nablus, the head of the ICRC delegation handed the Ministry of Foreign Affairs a memorandum in which, while deploring all terrorist attacks against civilians, he insisted that such attacks in themselves were no justification for resorting to reprisals or any other form of collective penalties, including the destruction of buildings, as expressly prohibited in Articles 33 and 53 of the Fourth Convention. In view thereof, he demanded that the destruction of houses should cease.

On 2 December 1968, the President of the ICRC sent the Ministry of Foreign Affairs a letter which repeated the contents of the note of 20 October and asked the Government to refrain from such measures of repression. The Israeli authorities replied in their letter of 15 January 1969 that they had taken cognizance of the views expressed by the ICRC.

On 16 January 1969, the head of the ICRC delegation had talks at the Ministry of Defence; there was no change in the Government's attitude.

On 10 October 1969, ICRC delegates heard that some houses at the refugee camp of Jabalia near Gaza would possibly be destroyed, and drew the attention of the Ministry of Defence to these rumours. No measures of this kind were carried out.

3. So-called punishment of neighbours and individual responsibility

On 24 and 25 October 1969 at Halhoul (Jordan West Bank), and again on 30 October 1969 at Gaza, armed forces of the Occupying Power destroyed a number of houses, in accordance with the "punishment of neighbours" policy.

On 30 October, the head of the ICRC delegation made representations to the Ministry of Foreign Affairs, and stressed not only the extent of the destruction but particularly the fact that, in the opinion of the ICRC, these measures constituted collective reprisals, and were contrary to Article 33 of the Fourth Convention.

On 23 December 1969, the Ministry of Foreign Affairs transmitted to the ICRC delegation the text of a statement by the Prime Minister which had been communicated to the press on 13 November, and which declared that the acts of destruction of buildings at Halhoul and Gaza were in keeping with the Government's policy of destroying the houses of persons helping members of al-Fatah.

Since then, no further measures of collective reprisals have been observed by the ICRC.

4. Practical activities

As the ICRC delegates in Israel and the occupied territories were unable to have the destruction of houses completely stopped they now endeavour, while reaffirming their fundamental position based on the Fourth Geneva Convention, to come to the assistance of victims of these acts in the following manner:

1. Delegates proceed, as far as possible, to places where acts of destruction have been brought to their notice. They put questions to the persons affected by these measures, in order to determine whether they had received prior notification from the authorities and whether they were able to save all or part of their furniture.

2. Delegates find out about the living and housing conditions of victims of acts of destruction and about their possible need for outside assistance.

3. Where there are cases of people whose means of existence are below the absolute minimum, delegates draw the attention of the authorities to their condition and ensure that relief supplies are distributed at the earliest possible moment. Tents, blankets, clothes and food, for a value of about 50,000 Sw. Frs have been made available by the ICRC to the authorities, to be distributed to this end.

4. The ICRC delegation backs up application for compensation made by persons whose houses have suffered damage due to secondary effects or have been destroyed by mistake. It has acted several times to this effect.

5. The delegation draws and sends the ICRC up a separate report on each case of destruction of houses which is brought to its knowledge.

VI. Hygiene and Public Health

Article 56 of the Fourth Convention states that "to the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the co-operation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory." As these are among the most important of the contractual obligations, the ICRC delegation in Israel and the occupied territories made sure, on the one hand, that the Occupying Power had taken appropriate health and hygiene measures, and, on the other, endeavoured, to that end, to bring assistance to the Arab population and to co-operate with the occupying authorities. ICRC delegates have carried out 200 visits to medical establishments, 100 of them being in Jordan West Bank. In addition, they have distributed medicaments to a value of 120,000 Sw. Frs.

1. Jordan West Bank

With the consent of the occupying authorities, ICRC medical delegates carried out two surveys of a general nature in Jordan West Bank: one from August to October 1967, and the second from May to June 1969. During their surveys, which were later the subject of official reports, all hospital establishments and State and private infirmaries were visited. A third survey similar to the first two is being carried out at present.

These general surveys had been preceded in June 1967, and followed in June 1969, by numerous other individual visits made by the delegates themselves to these same establishments.

Doctors and delegates found that, as a general rule, hospitals and polyclinics had never ceased their activity, that medical staff were able to work without hindrance and that no epidemics had been observed. However, two serious problems restricted, especially at first, the efficacy of medical and hospital establishments:

1. As several doctors and nurses had fled at the time when fighting broke out, some hospitals found themselves short of staff, especially dispensaries in villages, which in some cases had to be closed down, for lack of doctors. The ICRC delegation intervened with the authorities that they should encourage those doctors who wished to do so to return to the occupied territories.

2. Delegates found that in most hospitals, the supply of medicaments was unsteady and sometimes altogether lacking. The ICRC delegation made suggestions to these hospitals that they should furnish the authorities with lists of the medicaments which they required, and, if necessary, it sponsored their requests. Furthermore, when it saw that hospitals were still short of medicaments, the ICRC obtained from the Israel Government the authorization to distribute to them medicaments to a value

of 90,000 Sw. Frs.; this was an exception to the regulation prohibiting imports of medicaments into Israel and the occupied territories. From 1969, delegates found that the situation had returned again to normal.

The ICRC delegation helped private hospitals, managed by local branches of the Red Crescent or other voluntary institutions, by supplying them, in 1967 and 1968, with certain medicaments which they had been unable to purchase, for lack of funds. Moreover, it encouraged certain institutions to set up infirmaries where there had been none before; with a view to this, it granted to them cash donations for specific projects amounting to 30,000 Sw. Frs.

2. Gaza Strip and Sinai

Exhaustive visits to all medical and hospital establishments were carried out during the first few months after the June 1967 War. As in Jordan West Bank, ICRC medical delegates made their fullest visits in May-June 1968, November-December 1968, and June 1969. These last visits were the subject of reports sent by the ICRC to the Occupying Power and the Power of Origin. A new survey is being carried out at present.

Right from the start of the occupation, delegates were able to visit hospitals and infirmaries in Northern Sinai. However, it was only in May 1968 that a doctor-delegate was able to carry out a survey of the health situation in these areas.

In the course of some hundred visits to hospitals, effected since the end of the 1967 war, delegates observed that the most pressing problem was, and still remains, that of the shortage of doctors and medical personnel, coupled with the strain caused to existent personnel from overwork. The situation was gravest in the el-Arish area, as only 3 out of the 37 doctors who were there before the June 1967 conflict were still in practice at the end of 1968.

The ICRC drew the attention of both the Occupying Power and the Power of Origin to the gravity of this situation. The doctor delegates made a number of suggestions as to improvements, the most important ones being, first, to encourage Palestinian doctors to return and, secondly, to increase earnings of those established in the area. In addition, there arose in this region, as in Jordan West Bank, the problem of medical supplies.

The critical medical situation improved somewhat during 1969, after the Occupying Power had carried out the following measures:

- return of 9 Palestinian doctors from west of the Suez Canal;
- increase of doctors' earnings, in keeping with the rise in the cost of living;
- weekly visits by teams of 5 or 6 Israeli doctors to the el-Arish Hospital;
- provision of a helicopter for the evacuation of emergency cases that could not be treated on the spot, to hospitals in Israel;
- opening of a new polyclinic and of a nurses' training school in Gaza;
- repair of faulty equipment in civilian hospitals;
- setting up of a mobile medical service, attached to the Israeli Army, for Bedouin tribes in Sinai: 3 medical teams for north, central and south Sinai;
- initiation of the systematic tracking-down of tuberculosis and of a preventive vaccination campaign: over 30,000 vaccinated in 1968 and 1969.

3. Golan Heights

After the 1967 conflict, no Syrian doctors or nurses stayed behind in the occupied territory of the Golan Heights. A preliminary survey by ICRC delegates in June 1967 showed that the medical situation was satisfactory; this result was later confirmed, and mild cases were, and still continue to be, treated at the military hospital at Kuneitra, while the more serious ones are sent to hospitals in Israel.

4. Requisitioning of hospitals

As far as the ICRC is aware, three hospitals in the occupied territories have been requisitioned and turned into police stations. They are the new governmental hospital at Jerusalem, the Jordanian armed forces hospital at Nablus and the U.A.R. Red Crescent hospital at el-Arish. In spite of representations by ICRC delegates, on

the grounds of article 18 of the Fourth Geneva Convention, these three medical establishments have not been converted back to their original function.

The delegates also found that, immediately after the June 1967 conflict, the UNRWA dispensaries at Kuneitra and Raffah had been looted, but it was not possible to discover who had committed these acts.

VII. Food Supplies for the Population -

Relief and Donations

1. General situation in the occupied territories

As soon as active hostilities had ceased in June 1967, ICRC delegates investigated whether Articles 55 and 59 of the Fourth Convention, dealing with food and medical supplies in occupied territories and the possible organization of relief schemes, were being applied.

In August 1967, they came to the conclusion that there was no real food emergency, as the inhabitants had sufficient reserves.

At the start of the occupation and in conformity with Article 55, the Israel Government stated its determination to ensure the food and medical supplies of the protected population, and informed the ICRC that external aid, provided for in Article 59, was not indispensable, as the requirements of the inhabitants in occupied territories were being met by the Israeli administration.

Several times in 1967, the ICRC requested the authorization to distribute relief supplies to protected persons. As regards distributions to individual persons, it enjoyed at first full freedom of action, while for collective distributions, its operations were from the beginning co-ordinated with those carried out by the Ministry of Social Affairs.

In April 1968, a new arrangement was put into practice for ICRC distributions: only relief supplies in respect of special needs, recognized by the ICRC and the Ministry of Social Affairs, would be accepted, the entry of medicaments being barred. Further, the ministry was to be in charge of all distributions to the inhabitants of occupied territories, but ICRC delegates would be allowed to participate in setting up programmes and controlling their execution, in particular by attending the distribution of relief.

2. Practical measures by the delegation

a) Jordan West Bank

In Jordan West Bank, relief actions by the ICRC were first of all directed to indigent persons who had not yet been registered with the Ministry of Social Affairs and were not receiving aid from local charity associations.

The Jerusalem delegation carried out a three-fold relief programme: medical aid, food relief and distribution of other relief such as clothing, tents and blankets.

ICRC activities in Jordan West Bank were as follows:

In 1967:

- at Qalquilya (medicaments, clothes, blankets);
- financial aid to two Jerusalem dispensaries;
- distribution of fresh milk to ten child welfare institutions;
- distribution of medicaments, blankets and clothes to various charity institutions, hospitals, dispensaries and persons.

In 1968:

March: Distribution of relief supplies in 27 areas, in co-operation with Red Crescent local branches, charity institutions and the Ministry of Social Affairs: 12 tons of milk, 10 tons of baby food, 3 tons of raisins, 6,500 blankets, 138 tarpaulins and some 10,000 pieces of clothing for men, women and children.

May-June: Distribution of medicaments to hospitals and dispensaries in Jordan West Bank.

May-December: Financial aid to four private dispensaries including those belonging to the Red Crescent at Ramallah and Jerusalem.

August-December: Distribution of 63 tons of powdered milk, in monthly rations, to 18,000 recipients (infants), over a network of 58 distribution centres, in co-operation with Red Crescent local branches and the Ministry of Social Affairs.

October-December: Distribution of 4,440 blankets to 22 charity institutions.

In 1969:

Financial aid to dispensaries and distribution of milk (50 tons) for four months, from June to September 1969, in 7 districts: Nablus, Tulkarem, Jenin, Ramallah, Bethlenem, Jericho and Hebron.

In autumn, distribution of about 1,200 pieces of clothing to charity institutions.

b) Gaza strip and Sinai

Collective relief. - The ICRC delegation was authorized to forward and distribute foodstuffs and various relief supplies to the civilian populations of Gaza and Sinai, in April and May 1968 (75 tons), from September to December 1968 (300 tons) and from July to October 1969 (760 tons); 100,000 protected persons received assistance. A new aid programme was approved by the ICRC in June 1970 for the despatch of 3,000 tons of foodstuffs to needy persons in the occupied territories.

In the Gaza-Sinai area, ICRC relief constitutes an additional aid to that already distributed by the Israel Government to indigent persons to ensure their bare minimum requirements. Distribution programmes and lists of recipients were drawn up jointly by the ICRC and the Ministry of Foreign Affairs. The aid provided by the ICRC allowed the number of recipients registered at the Ministry of Social Affairs to be increased, including in particular 5,000 additional indigent persons in the el-Arish area.

Individual relief. - Since autumn 1968, the Occupying Power has not authorized the ICRC to send individual relief consignments; it has based its refusal on the security clause in Article 62 of the Fourth Convention.

c) Golan Heights

From 1967 to 1969, the sub-delegation at Kuneitra, in agreement with the local military authorities, carried out individual relief distributions (clothes, blankets, sundry relief supplies).

3. Relief action by the ICRC in Arab countries

1. General

The military operations in June 1967 and the territorial occupation that ensued led to the departure of a vast number of Arab civilians. More than 200,000 people crossed from the west bank to the east bank of the Jordan, and more than 100,000 inhabitants of the Golan Heights fled, after their land had been occupied, to the regions around Damascus and Deraa, while many thousand Palestinians who had been living in Gaza left occupied territory for the west bank of the Suez Canal.

The size of the problem called for Red Cross relief action to be initiated, this in addition to the efforts of UNRWA and various voluntary agencies who were active in these territories. On 14 June, the ICRC launched an appeal to National Red Cross and Red Crescent Societies. By virtue of an agreement concluded with the League of Red Cross Societies, the ICRC took over the co-ordination of relief action for displaced persons and refugees and for civilian populations in the occupied territories during the emergency phase. Thus, relief action for displaced persons in Transjordan was carried out by the ICRC until 8 July 1967 when the League took over from the ICRC. Moreover, the ICRC also was responsible for relief action in Syria until 28 February 1968, when it transmitted its responsibility to the Syrian National Red Crescent Society and to the Syrian Government.

2. *Jordan*

Already on 5 June 1967, the ICRC despatched by air freight to Jordan several tons of blood plasma and medicaments. Later on, several dozen tons of medical supplies, foodstuffs, clothes, blankets and tents were sent by National Red Cross Societies, thus enabling the Jordan Red Crescent to organize relief distributions to various institutions and to needy displaced persons.

3. *Syria*

Immediately after the conflict, the ICRC, working in close co-operation with the Syrian Red Cross and Syrian Government, carried out a large-scale relief action for more than 100,000 displaced persons from occupied territory, who had installed themselves around Damascus and Deraa. Thanks to the active support of National Red Cross Societies, about 400 tons of foodstuffs were distributed every month, in addition to tents, clothes, blankets, utensils and primus stoves. As winter approached, however, it was necessary to adopt new measures on top of those already being undertaken on the spot. On 17 October 1967, the ICRC and the League of Red Cross Societies launched a new, joint appeal on behalf of the victims of the conflict. It is estimated that several million Swiss francs worth of relief supplies were as a result sent to the victims in Syria, through the channel of the ICRC, from its own stocks, or from National Societies and Governments.

Further, at the beginning of the winter of 1968, with a view to bringing aid to displaced persons, the ICRC sent once again to the Syrian Red Cross 50 tons of foodstuffs and 4,000 blankets.

4. *United Arab Republic*

In June 1967, the ICRC sent to the United Arab Republic a certain amount of plasma and medicaments. In January 1968, about 50 tons of second-hand clothing and some medical supplies from one of the National Red Cross Societies were handed over by the ICRC to the Red Crescent Society of the United Arab Republic and to other

voluntary organizations to be distributed to displaced persons in Egypt.

VIII. Local Branches of the Red Crescent

Shortly after the end of hostilities in June 1967, ICRC delegates found that several local branches of the Jordanian and Egyptian Red Crescent Societies, which were in occupied territories, were in difficulties owing to the freezing of their bank accounts and, also, because of the departure of some of their committee members. Nearly all were anxious to renew their activities, such as the upkeep of dispensaries, kindergartens, schools, nutrition centres and so on.

Article 63 of the Fourth Convention states that recognized National Red Cross Societies shall be able, under occupation, to continue the activities which they pursued before a conflict. The first task of the delegates was therefore to ensure that these Societies would be able to carry on and to obtain all necessary facilities from the occupying authorities.

Once this was achieved, the ICRC itself furnished material aid to the Societies.

1. *Jordan West Bank.* - Already on 6 August 1967, the head of the ICRC delegation asked that local branches of the Jordanian Red Crescent should be allowed to resume their activities. On 13 November 1967, the Ministry of Foreign Affairs replied that, subject to any possible security measures that might have to be taken, it did not have any objection to the pursuit of humanitarian activities by these local branches, and that those requiring assistance were invited to apply directly to the relevant Israeli authorities.

Following this positive answer, the delegation carried out a full investigation into the situation of the ten local branches of the Jordanian Red Cross. It then informed the Israeli authorities of the resumption of their activities and of the composition of their committees. In addition, in order to re-activate these branches, the ICRC extended to them financial aid, totalling 120,000 Swiss francs, so that they could purchase furniture for kindergartens and set up or keep up dispensaries. With the approval of the Israeli authorities, the ICRC also made various gifts in kind.

2. *Gaza.* - On 17 June 1969, the occupying authorities consented to a Red Crescent Society being formed in Gaza, but in July 1969, its activities were suspended. The ICRC delegation intervened at once, in order that this measure should be repealed.

3. *El-Arish*. - The local branch of the Red Crescent Society of the United Arab Republic at el-Arish resumed its activities in March 1968. The Ministry of Foreign Affairs in Israel was officially informed of this by the ICRC delegation.

This local branch had encountered some difficulty in resuming normal activities, because some of its members had left el-Arish in June 1967 when hostilities had broken out, and, also, because its funds and medical supplies had been blocked. The ICRC approached the authorities several times so that it could be able to carry on normally, according to Article 63 of the Fourth Convention.

On 3 December 1968, these various representations bore fruit: the local branch dispensary was re-opened and some of the medicaments unblocked.

Nevertheless, in November 1969, the occupation authorities ordered the Red Crescent at el-Arish to restrict its activities to a single first aid post. The ICRC delegation requested that this local branch might be allowed to run a dispensary. On 26 January 1970, the authorities announced that their decision was unchanged, the reason given being that there were only three doctors in el-Arish, that their duties at the el-Arish Hospital kept them extremely busy and that, consequently, they would not find the time to work in a new dispensary.

IX. Penal Prosecution

1. *General Remarks*

Assistance to protected persons who are the subject of penal prosecution is normally within the purview of the Protecting Power. In the absence of such a Power, the ICRC felt it its duty to extend its action in this field in Israel and the occupied territories. However, that action did not become systematic until the autumn of 1969. It was to enable the ICRC to judge to what extent articles 64 to 75 of the Fourth Geneva Convention were applied.

The ICRC delegates attended an increasing number of hearings against protected persons in order to get to know the procedure followed by the Occupying Power's military courts. In addition, in order to increase their knowledge of the legal situation and system, the delegates were in regular contact with the defence council of several persons accused of action detrimental to State security.

The ICRC delegation protested against the practice of retaining in prison, on the basis of an administrative regulation and on the grounds of State security, a

number of prisoners who had served their full sentence. Such a practice detracts considerably from the value of the judicial system.

2. Notifications of Prosecution

In order to compensate to some extent for the absence of a Protecting Power, the ICRC delegation in Israel advocated the application of a procedure comparable to the notifications provided for in Articles 71 to 74 of the Fourth Geneva Convention. The ICRC delegates would thus be notified and kept posted on legal proceedings against protected persons.

X. Visits to Detainees and Internees

Since the end of the June 1967 conflict, the ICRC delegates in Israel and the Arab countries have endeavoured to visit civilian detainees everywhere.

1. Israel and the Occupied Territories

a) General remarks

By the end of 1967 the ICRC delegation in Israel had made twelve visits to certain specific groups of civilian internees, totalling about a thousand, mostly Arab consulate and diplomatic representatives in the Ramleh prison, two groups of Egyptian civilians totalling 675 persons in the Atlith and El Arish detention camps, and 313 persons of Syrian, Algerian, Lebanese, Iraqi and Saudi nationality.

In the course of an interview with the Minister of Defence on 21 December 1967, the ICRC delegation in Israel received authorization to visit all prisons in Israel and the occupied territories where protected persons were detained, particularly Palestinians resident in the occupied territories.

The ICRC asked that the delegates be authorized to interview the prisoners or their spokesmen without witnesses. At the end of February 1968, the delegation began systematically to make regular visits to all prisons where protected persons were held.

By 31 May 1970 more than 160 prison visits had been made in Israel and the occupied territories. In the course of each series of visits, the ICRC delegates saw an average of 3,200 detainees. They talked in private with more than 1,500 and spent in all more than 3,500 hours in the prisons. The detainees interviewed without witnesses were freely chosen by their cell-mates or by the visiting delegates with the agreement of the other detainees.

At the end of May 1970, some 3,500 protected persons were being detained by the Occupying Power. Of that number, about 3,200 had been visited by the ICRC; the others were being held for interrogation. The ICRC reported on the majority of these visits, as is customary, to the detainees' own governments and to the Detaining Power.

The prisons visited were at Ashkelon, Beersheba, Damun, Ramleh, Kfar Yona, Neve Tirza, Yagour-Jamalé, Gaza, Hebron, Jenin, Jericho, Nablus, Tulkarem, Ramallah.

The visits to prisons were at times irregular due to administrative difficulties, particularly the shortage of Israeli liaison officers. However, the delegates can now complete the series of visits to the fourteen places of detention in 22 visiting days spread over a little more than a month.

b) *Detention conditions*

The purpose of the visits by ICRC delegates to prisons is to enquire into the general detention conditions and to see to it that the provisions of the Fourth Geneva Convention are respected.

The delegates first see all detainees they are authorized to visit and all cells or dormitories. They take note of the hardship cases (families without a bread-winner, families to be assisted to visit interned relatives, lack of news, etc.) Secondly the delegates talk in private with some of the detainees, perhaps 15 to 50 depending on the size of the prison, and they take note of any complaints and requests concerning detention conditions in general and interrogation conditions in particular. In the third phase, in the presence of a representative of the Ministry of Defence, the delegates talk with the director of the prison and inform him of requests and observations.

On the whole, since the ICRC delegates have had access to prisons, the Israeli authorities have made considerable improvements in detention conditions, particularly in the following:

Material conditions : increase in blankets, straw mats and personal effects; cell furniture; quality of food.

Hygiene : increase in frequency of showers and distribution of toilet requisites.

Leisure : various games, books, school examinations.

Exercise : longer periods.

Relations with the outside world : increase and regularization of mail; improvements in family visit arrangements.

The ICRC delegates, who are in constant touch, in the course of their work, with the Prison Service, have observed during their frequent visits that most of their various suggestions had been put into effect and that improvements tended to spread to all prisons.

In addition, the ICRC delegation took up the following problems at ministerial level

1. *Visits to detainees from East-Jerusalem*. - As the Israeli Government considers that the inhabitants of East-Jerusalem are subject solely to Israeli national

law, detained residents of East-Jerusalem were for a long time denied visits by the ICRC.

The ICRC delegation took the question up with the Ministry of Defence and the Ministry of Foreign Affairs on the grounds that, whatever the legal and political status of the town according to the Israeli authorities, for the ICRC the internees were entitled to the protection of the Fourth Geneva Convention and in no less need of that protection than people from territory under military administration.

The first visit to the detainees from East-Jerusalem took place in November 1969. On 4 December 1969 the delegation was officially authorized to visit them regularly on the same footing as other internees. The Ministry of Foreign Affairs made it clear that such authorization was a concession and not a right under a treaty, the Israeli Government considering that the Fourth Geneva Convention was not applicable to these people.

2. *Administrative internees.* - During lengthy negotiations with the Occupying Power representatives, the ICRC delegation endeavoured to obtain for detainees interned on an administrative order a separate system of detention and more favourable treatment in view of the, generally, preventive as opposed to punitive nature of the detention. The first step in that direction was taken in July 1968 when the Ministry of Defence agreed that administrative detainees should be separated from, but in the same prisons as, the detainees serving a sentence; should be allowed to wear civilian clothing and should be exempted from work.

The ICRC, in March 1969, asked that a clearer distinction in their detention conditions be made, but the request had hardly any effect as the overcrowding in the prisons has in fact prevented any real separation. During the year, the ICRC

delegation took up the question several times with the authorities.

During a mission to Israel in the spring of 1970, the ICRC Delegate-General for the Middle East insisted that the question of administrative detainees deserved a general revision, with a special status and detention conditions and premises for them which would clearly correspond to the preventive nature of their internment.

3. *Treatment of detainees during interrogation.* - During the visits, delegates have sometimes met detainees whose bodies showed traces of, according to the prisoners, ill-treatment during interrogations. In keeping with ICRC general practice, each case was brought to the attention of the military authorities so that they could investigate whether detainees' allegations were correct and, if so, punish those guilty, as required by the Geneva Conventions and national legislation.

4. *Visit to detainees held for interrogation.* - Anxious to visit detainees as soon as possible after their arrest, delegates endeavoured to induce the occupation authorities to apply with great moderation the right conferred on them by article 5 of the Fourth Convention to deprive certain detainees of rights of communication.

During an interview granted to the ICRC Vice-President in March 1969, the Minister of Defence confirmed that ICRC delegates were authorized to talk in private with prisoners whose interrogation was finished. Delegates could, in the presence of an Israeli officer, also see prisoners held for interrogation, to check their state of health, whilst a few detainees held incommunicado could not be visited. This procedure referred only to prisons; police stations and military camps remained closed to the delegates.

From April to September 1969, visits were carried out, generally conforming to this procedure. However, in the autumn of 1969, the Israeli authorities informed the ICRC that the number of prisoners had so increased that they were obliged to change the

visiting arrangements: from that time on the delegates would not be able to see any detainee held incommunicado, that is to say deprived of any contact with the outside, even if his "isolation" was not necessarily solitary confinement but shared with other prisoners in the same category.

The ICRC rejoined that such a procedure was unacceptable and it endeavoured to find a solution consistent with the letter and the spirit of the Fourth Geneva Convention. Even though its delegates thought that there had been some improvement in interrogation conditions, the ICRC considered that the visiting procedure laid down by the Israeli authorities no longer permitted it to ensure that interrogation methods at variance with humanitarian law did not occur.

On 19 April 1970, the Israeli Government authorized the delegates to carry out their visits subject to the following conditions: each prison would continue to be visited about once a month; no detainee would remain in a detention centre without being seen by the delegates on their second visit after the arrest of the prisoner, unless, in exceptional circumstances and for imperious security reasons, he was denied such a visit, in which case his name would be communicated to the delegation.

5. *Prison Overcrowding.* - In 1968 the number of prisoners rose from 1,500 to 2,000. It rose to 3,000 in 1969. At present the Israeli authorities are holding about 3,500 people in detention.

In spite of the opening of new prisons in 1969, a serious overcrowding problem arose in that year and grew progressively worse. It has today reached such proportions that it bids fair to jeopardize the improvements effected by the Israeli penitentiary department and those brought about by the ICRC since it started visiting the prisons, particularly in matters of accommodation, hygiene, the separation of administrative detainees, leisure, work and the essential improvement in family

visits to the prisoners.

The ICRC delegation took the matter up at ministerial level in the hope of an early solution. It made a number of practical proposals designed to ease detention conditions pending a definitive solution to the problem.

During these negotiations, the ICRC delegates recognized the Prison Service's efforts to cope with the increasingly difficult situation. However, praiseworthy as the spirit of most of the officials concerned was, it was in itself insufficient to make the detention conditions of protected persons acceptable and consistent with the Fourth Convention. The ICRC delegation insisted that only radical measures involving considerable expenditure would solve the many problems arising from the overcrowding of the prisons.

In the course of a mission in Israel in April 1970, the ICRC Delegate-General for the Middle East emphasized the primary importance of the matter. The ministerial officials assured him that the Israeli Government was endeavouring to solve the problem and would exert further effort in view of the urgency so often stressed by the ICRC.

6. *Comforts for Prisoners.* - Since the ICRC started visiting prisons in Israel and the occupied territories its delegation has contributed, as far as it was able, to the alleviation of the prisoners' plight by distributing comforts among them. It has supplied over a thousand books in Arabic and dozens of textbooks for studies.

From July 1969 to May 1970, with the approval of the occupation authorities, the delegation organized and financed more than a hundred free bus trips for some 6,000 relatives of internees, as a number of needy families live far from the prison in which a relative is held and cannot afford the fare. Thanks to the ICRC such families may meet their detained relatives each month.

During the monthly visits, families may bring their members in detention fruit, biscuits and cigarettes. However, detainees whose families live beyond a cease-fire line do not receive such gifts, as they are not visited by their families. The ICRC was therefore authorized to distribute parcels of fruit, biscuits and cigarettes to all prisoners who could not be visited by their families, or who had not been visited by them for three months, whatever the reason. From September 1969 to 31 May 1970, the ICRC distributed some 5,000 such individual parcels, and 250 sets of underclothing in the course of ten series of monthly visits.

Transport by bus for family visits and the monthly distribution of parcels to prisoners at present involves the ICRC in expenditure amounting to 10,000 Swiss francs a month.

c) *Other Activities*

Apart from endeavouring to improve detention and interrogation conditions, prison visits involve the delegations in the occupied territories and the Arab countries in a considerable amount of work:

Mail: Prisoners often complain that they do not receive messages from their families in the Arab countries. Their complaints are forwarded by the ICRC delegations in these countries, who contact the families and inform them of the possibility available to them of communicating with their imprisoned kin on Red Cross message forms through the ICRC.

Social Welfare: A man's imprisonment often deprives a family of its sole bread-winner. When a prisoner informs a delegate that his family is in that situation, the delegate makes enquiries of the family and if he finds that the family is in dire straits he brings its plight to the attention of the Israeli Ministry of Social Welfare, which is responsible for providing needy population with essential requirements. The delegates see to it that their requests are followed up.

Family visits: Sometimes internees inform the ICRC that their families cannot afford to visit them. In such cases, the delegates, after checking up, include these families in the bus trip organized by the ICRC.

2. Israeli Civilians in Arab hands

ICRC delegates in the UAR, Jordan and the Lebanon have been able to visit most of the Israeli civilians detained in those countries. Between June 1967 and May 1970, twenty-five visits were paid to 33 interned Israeli citizens.

In Syria, after repeated overtures, the ICRC delegates were able to visit on three occasions in the autumn of 1969 two Israeli civilians interned in Damascus. Contrary to the provisions of Article 143 of the Fourth Convention, no interview without witness could take place during the first visit. The two detainees were subsequently released in a neutral country.

An Israeli citizen captured and detained by a Palestine resistance organization was also visited three times in Jordan outside his place of detention. In addition, in May 1970, the ICRC delegate in the Lebanon visited an Israeli Arab national who had been captured and imprisoned in Beyrouth, and was soon afterwards repatriated.

XI. Tracing of Missing Civilians

1. In Occupied Territories

Immediately after the June 1967 conflict, large numbers of requests to trace missing civilians began to reach the ICRC delegation in Israel. They are still being received today.

In order to deal with them, the delegation endeavoured to induce the Israeli authorities to set up an official information bureau, as provided for in the Fourth Geneva Convention. Instead, the Government instituted the following two procedures:

On 25 June 1967 it entrusted the tracing of missing persons in the three occupied territories to the Magen David Adom relief society. As this solution proved to be

inadequate, the delegates themselves made enquiries into the whereabouts of missing persons presumed to be in those territories.

On 5 November 1967 it started a new procedure: the Ministry of the Interior would supply the information and the delegation would deal with the Ministry through the Magen David Adom. This procedure also having failed to live up to expectations, it was abandoned at the end of 1967.

Since then the ICRC delegates themselves carry out enquiries to trace missing civilians in the occupied territories through the local mayors' offices, Red Crescent branches, leading community members and inhabitants.

2. Civilians presumed to be in detention

Concomitantly with enquiries among the population of the occupied territories, whenever these are inconclusive, delegates direct their efforts towards the prisons. Since the beginning of 1968, the Israeli Minister of Defence has been taking about a month to reply to the ICRC delegation's enquiries to find out whether a missing person is in one of the prisons in Israel or the occupied territories.

The ICRC delegation has several times tried to have the replies speeded up. When the persons sought are detained for interrogation, enquiries produce no reply before several weeks have elapsed.

It should be mentioned that the Israeli authorities do not spontaneously notify the ICRC delegation of the internment of civilians; they merely reply to enquiries about a specific person. The delegation has urged the detaining authorities to introduce the internment card system in accordance with Article 106 of the Fourth Convention.

As the Israeli authorities claimed this was impossible, the ICRC delegation

took it upon itself to make out such a card for each detainee encountered during the prison visits. This is, however, no substitute for the internment card system, as the names of detainees held for interrogation are still not communicated to the ICRC and the ICRC has to find out for itself the names of persons released.

So far the ICRC delegation has compiled a card index of the names of some 1,800 prisoners, whose detention it is aware of from the prison visits or from Ministry of Defence confirmation or from the Red Cross message forms sent by prisoners to their families outside the occupied territories.

3. Dead Arab Infiltrators

On 5 May 1968, Mr. P. Gaillard, Assistant Director of the ICRC, contacted the Israeli Ministry of Defence concerning the identification and notification of the names of armed or unarmed Arab infiltrators killed in action against the Israeli army. This was followed up by three further contacts in 1968 and 1969, but to no effect. The occupation authorities stated that an identification service existed but that for security reasons the names of infiltrators would not be notified.

Consequently, as far as it is able, the ICRC delegation, during its prison visits, questions surviving infiltrators about their dead comrades in order to find out their names and to inform the families.

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IV

AMNESTY INTERNATIONAL

34. Amnesty International Report on the Treatment of Certain
Prisoners Under Interrogation in Israel¹
April 1970

PREAMBLE

It is with the deepest regret that Amnesty International presents the following report containing prima facie evidence of the serious maltreatment of Arab prisoners under interrogation in Israel.

Amnesty's regret is the greater in that it acknowledges the generally liberal nature of the regime within Israel. Nevertheless, it cannot ignore, even within such a regime, the apparent existence of practices which are abhorrent to the conscience of mankind. That similar practices may occur in the adjoining countries is also a matter of deep regret and has already been the subject of Amnesty investigation and representation. (An outline of conditions in these countries and an account of some of the actions taken by Amnesty are given in Appendix III.)

1

Amnesty International, *Report on the Treatment of Certain Prisoners Under Interrogation in Israel*, London, April 1970.

THE SITUATION

1. Ever since the war in June 1967, Israel has occupied that part of Jordan which lies to the West of the River Jordan and contains some 600,000 - 700,000 Arab inhabitants as well as the Gaza Strip (before the war under Egyptian administration) which contains some 300,000 - 400,000 Arab inhabitants.
2. As is well known, the Occupied Territories are under Israeli military administration and the military authorities, under the Defence (Emergency) Regulations 1945, have extensive powers of detention and imprisonment. According to the information available to Amnesty up to January 1970, some 80 Arabs are arrested each week under this legislation.

AMNESTY'S CONCERN

3. Amnesty does not contest the need for strict security measures and detention in political and military situations which are characterised - as they are in these Territories today - by guerilla warfare. Amnesty is, however, concerned that the treatment of such prisoners and detainees should be in conformity with the Standard Minimum Rules for the Treatment of Prisoners (approved by the Economic and Social Council of the United Nations in 1957) and with the U.N. Declaration of Human Rights, especially Article 5 which reads:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

4. During the last two years, Amnesty's representatives have made a number of visits to the Middle East. (An account of these visits will be found in Appendix III). In the course of these journeys, a number of those previously imprisoned or

detained in Israel and the Occupied Territories approached the representatives with serious allegations of the maltreatment of Arab prisoners by Israeli personnel.

5. If these allegations are true, then extremely brutal torture is used on a not inconsiderable number of those detained. They would also seem to imply that such ill-treatment is continuing up to the present time.

6. Most of the recent allegations of torture refer to the period during which the prisoner is held for investigation and interrogation - a period which may last for several months - and before he is brought to court or committed to administrative detention. Allegations were also made that during this period, the prisoner is denied access both to his lawyer and to the Red Cross representatives.

AMNESTY'S ACTION

7. In an area of conflict such as the Middle East at the present time, it is inevitable that there should, from both sides, be allegations of the ill-treatment of prisoners.

8. Nevertheless, the allegations made to Amnesty's representatives during their investigations cannot be brushed aside. The forms of the alleged tortures were clearly described. The prisons, centres of interrogation, the periods within which torture was alleged to have taken place and the descriptions, names - or pseudonyms - of the alleged torturers were also given. The material in Amnesty's possession includes not only the foregoing, but also photographs and medical reports relating to complainants now in Jordan. Amnesty has, moreover, received from sources inside Israel and the Occupied Territories as well as from outside the names of men and women still (up to January 1970) in Israeli prisons who are alleged either themselves

to have been tortured or to have been witness to the effects of torture on their fellow prisoners. (Appendix I gives four typical case histories. These are selected from the larger number of similar cases compiled by Amnesty investigators as a result of their inquiries in both Israel and the Arab countries.)

9. At the present point in time, Amnesty restricts itself to claiming that the serious nature of these allegations warrants immediate inquiry so that truth can be tested and the practice of torture, if it exists, can be brought immediately to an end.

10. In Amnesty's view such an investigation as is needed can be carried out with the necessary speed and vigour only by a Commission of Inquiry whose impartiality is beyond question and which is fully empowered to call for documents and to subpoena witnesses.

11. For twelve months now, Amnesty has pressed this point of view on the Israeli government and has gone to considerable lengths in delaying its own action in order to give the government time to consider its proposals. (See Appendix II.) The Israeli government has, however, up to the present, not acceded to this proposal. Amnesty has, with the greatest reluctance, come to the conclusion that no useful purpose would be served by further delay and has, therefore, taken the decision to publish.

AMNESTY'S APPEAL TO THE ISRAELI GOVERNMENT

12. The International Executive Committee of Amnesty International, having considered the prima facie evidence of the maltreatment of some of those held in

Israeli detention centres and having reviewed the inconclusive nature of its negotiations with the Israeli government decides that:

- (a) it must again request the Israeli government to agree to the setting up of a Commission of Inquiry to investigate the allegations and so clear its good name. If such a Commission were international in composition, its judgement would go very far indeed to dispel the present widespread anxieties.
- (b) on the Israeli government's announcing its decision to set up such a Commission, Amnesty International will give all the assistance it can to ensure that the fullest evidence is produced before it.

APPENDIX I

Summaries of Four Case HistoriesMr. A. - from Gaza

Town or place of residence:	Jerash Camp - Jordan
Age:	30
Date of arrest:	6 June 1967
Place(s) of detention:	ATLIT
Charges and/or trial:	Nil
Period of interrogation and/or detention:	2 months - released August 1967

Nature of allegations: After being taken prisoner on the second day of the June war, complainant was kept in solitary confinement for a week. At the end of this period he was beaten up by a group of soldiers, and on the following day taken to a cell where he was strapped to a table and flogged. During this time he was told to confess that he was a guerilla and asked for information concerning guerillas generally. He was returned to his cell with four broken teeth. On the following day the procedure was repeated; but in addition he was stood up against a wall, when his chest was slashed with a knife which inflicted seven parallel wounds and at the same time had one arm badly cut. His back and hands were burnt with lighted cigarettes. (Photographs of injuries and medical reports available.)

Mr. B. - from Nablus - taxi-driver

Town or place of residence:	Amman - Jordan
Age:	40
Date of arrest:	19 September 1967
Place(s) of detention:	NABLUS - RAMLE - SARAFAND and BEIT LID
Charges and/or trial:	Nil

Nature of allegations: Arrested at 23.00 in his house and taken immediately to Nablus police station, whereupon he was beaten up by six officers and subjected to electric shocks to various parts of his body until he lost consciousness at about 4.00. On coming round he was given a glass of urine to drink; when he refused to do so was again beaten unconscious. Complainant was later transferred to Sarafand where he was subjected to intensive interrogation concerning guerillas which, on occasions, entailed the following treatment:

- (i) being handcuffed with hands behind his back and having his feet shackled, then suspended naked by the wrists from a window bar. In this position he was whipped all over his body, a small rubber stick being used exclusively on the genitals.
- (ii) being placed in the centre of a small room into which opened two doors opposite to each other. One arm would be tied to one open door and the other to the opposite door. Four soldiers would then rapidly shut and open the doors many times in succession.

Mr. C. - from El Bireh, Ramallah - motor mechanic

Town or place of residence:	Amman - Jordan
Age:	26
Date of arrest:	12 July 1968
Place(s) of detention:	RAMALLAH - SARAFAND
Period of interrogation and/or detention:	7 months - released 13.2.69
Charges and/or trial:	Nil

Nature of allegations: Arrested in his house at 3.00 in the morning and taken to Ramallah H.Q. where he was beaten into unconsciousness. This interrogation continued for 3 weeks. He was later transferred to Sarafand where interrogation entailed the following treatment:

- (i) being handcuffed, hands behind back and feet shackled and being suspended by the wrists from a window bar. In this position he was whipped and one of the interrogators would stand on his feet shackles greatly increasing the strain.
- (ii) attaching alligator clips to his ears and genitals and passing an electric current through them.
- (iii) inserting a biro type refill into the penis until it bled.
- (iv) running water on the weals produced by whipping and then puffing sulphur on them.
- (v) crushing finger tips between the door hinges and frame.
- (vi) having a water hose inserted into his mouth and the tap turned on. An interrogator would then stand on his stomach, forcing the water out of his mouth.

Miss D. - from Nablus - student

Town or place of residence:	Amman - Jordan
Age:	18
Date of arrest:	14 March 1969
Place(s) of detention:	NABLUS
Period of interrogation and/or detention:	43 days - released 26 April 1969
Charges and/or trial:	Nil

Nature of allegations: Arrested with her mother and sister and segregated.

Interrogated at Nablus Police Station. Asked whether she knew a certain girl, on her replying "no" she was grabbed by the hair by the chief interrogator and thrown to the floor where she was beaten with a metal rod and also kicked and punched. Subsequently she was beaten in front of her mother, who was accused of hiding a member of the guerillas in her house. When her mother pleaded with the interrogator to stop beating her daughter, she was struck on the forehead with the rod which cut it open.

APPENDIX II

Chronology of Amnesty's Action in Relation to Israel

(including its negotiations with the Israeli Government)

In December 1968 an official Amnesty International observer attended a Human Rights Conference in Lebanon. Consequent upon allegations there, of ill-treatment of Arabs imprisoned and under interrogation by the Israeli authorities, he proceeded to Jordan where he interviewed Arabs previously imprisoned in Israel.

In February 1969 the Secretary General of Amnesty International, returning from a visit to Africa, met the observer in Israel. Together they were invited to visit a few civilian prisons, and found conditions in them generally to be satisfactory. The Secretary General subsequently wrote to the Commissioner of Prisons, stating that he had been favourably impressed by what he had seen. This in no way affected the allegations of torture and ill-treatment of prisoners under interrogation in detention centres or police stations.

In April 1969 a report was compiled by the Amnesty International Secretariat, including detailed cases of alleged torture and ill-treatment of Arab prisoners. The report was sent to the Israeli Government, with a strong recommendation for a formal inquiry (with international participation) to be instituted into the allegations.

The Israeli government in its reply of August 10, 1969 stated:

The meticulous examination carried out of the material available has led the Israeli authorities to the conclusion that there is no substance in the allegations mentioned in the Report and its Appendices.

The International Executive Committee at its meeting in Geneva in September 1969

considered carefully the full documentation submitted by the Israeli Government, but found it insufficient and decided to continue to press for a Commission of Inquiry.

In September 1969, as a result of an invitation to Amnesty International to give evidence before the Expert Group of the United Nations Human Rights Commission, (which, in fact, was not taken up) the Secretary General of Amnesty International wrote to the Consul General of the Embassy of Israel pointing out that "as an organisation with consultative status with the United Nations, it will be difficult for us to decline to give evidence before a United Nations body if we have information which is relevant to the subject of their inquiry. We were naturally disappointed in the apparently negative response of the Israeli Government to the recommendations in the report. As you know, we have not sought to give publicity to our report as we hoped that the Israeli Government would itself wish to examine the information . . ."

In October 1969, whilst in New York, the Secretary General of Amnesty International, after lengthy discussions initiated by the Israeli representatives, wrote to the Israeli Ambassador to the United Nations setting out a proposal, to the effect that Amnesty International should send a further, but more formal, mission to Israel, which would include a distinguished Israeli jurist. The mission should, with the cooperation of the Israeli government, carry out an inquiry and report.

In November 1969 a letter was received from the Israeli Embassy in London, stating that there was no confirmation that the proposed Amnesty International inquiry would be permitted by the Israeli Government. At the end of the month, the Executive Committee of Amnesty International decided to send further representatives to the Middle East, to obtain further evidence and information to bring the original report up to date.

In January 1970 three Amnesty International representatives - the original representative of 1968/69, accompanied by a member of the Executive Committee and an international jurist - left for the Middle East. On their return, a summary of their report together with a further six cases of alleged ill-treatment were sent to the Israeli Government.

In a memorandum received on 27 January 1970 the Government of Israel informed the Secretary General of Amnesty International that it had "decided to grant the complainants now present in enemy states the requisite permits to enter Israel-held territories so that they may be able to lodge their complaints in accordance with existing legal procedures. Should the complainants so desire they will furthermore be permitted to appoint local lawyers of their choice to assist them in their complaints or evidence.

"The Government of Israel would of course assure safety of the complainants during the entire period of their presence in Israel-controlled territory and guarantee their right to leave."

Requests for elucidation of the meaning of the phrase "existing legal procedures" evoked the following response on 10 February, 1970:

The method of dealing with complaints is determined in each individual case in accordance with the circumstances and within the provisions of the law.

On March 20th, 1970, Amnesty received a letter from the Israeli Ambassador in London in which he referred to Amnesty's proposal for a Commission of Inquiry:

. . . it seems to me your proposal falls within the normal procedures established by the laws of Israel and, therefore, could certainly be considered as one of the possibilities. However, it would be premature for the Israel authorities, at this stage and before official and proper complaints have been properly prepared and submitted, to determine the most appropriate, efficient and judicial way of dealing with them.

Comment

The International Executive Committee of Amnesty, having considered the letters of November 1969, January, February and March 1970 referred to above, notes that the setting up of a Commission of Inquiry is within the statutory powers of the Israeli Government and regrets that, despite Amnesty's urgent representations, the Government has so far failed to take this step.

The Executive is of the opinion that it has submitted sufficient evidence (which can be checked from sources within as well as outside Israel) to warrant the immediate setting up of the Commission it requests and is firmly of the opinion that the decision to establish such a Commission should not be made dependent upon the willingness of individual witnesses to return to Israel.

APPENDIX III

An Outline of Conditions in the Countries Adjoining Israel and
an Account of Some of Amnesty's Actions in Relation to Those
Countries

Amnesty International hoped to be able to organise a mission to the Middle East in 1968/69 which would visit both the Arab states and Israel in order to discuss prisoners and their treatment and the initial response to approaches was encouraging. The mission's terms of reference would include not only Arabs in Israel and Jews in Arab countries but all political or religious prisoners in this area. Unfortunately, it has not been possible to carry out an overall investigation as we had envisaged.

Briefly, the situation in the Arab states with regard to Jews is as follows:

Iraq

The Jewish community in Iraq has been subject to harsh discriminatory legislation and restrictions since the June war. Several have been imprisoned and a number executed as alleged spies. Whenever there was forewarning of such executions, Amnesty made immediate representations to the Iraqi government.

Amnesty's effort to send an official representative into Iraq in order to raise the question of political prisoners, including the Jewish ones, failed because of the Iraqi Government's refusal to admit an official representative of Amnesty.

Syria

The picture given is again one of severe discrimination, but imprisonment does not appear to be a feature. In 1969 when a plane travelling from England to Tel Aviv was hi-jacked to Damascus, we took up the case of the two Israelis who were

subsequently detained in Syria. The better-known of the two prisoners was put on the "Postcards for Prisoners Campaign" and a mass international letter-writing campaign was launched. The prisoners were subsequently released.

In the years before the June War, Amnesty undertook negotiations with the Syrian Government for a small number of Israeli prisoners suspected of espionage.

U.A.R.

During the June War, virtually the entire male adult Jewish population was arrested. Amnesty, in cooperation with other agencies, entered into negotiations leading to the release of a number of these prisoners. Regrettably, 81 are still in prison.

Libya

After the initial retaliation against Libyan Jews immediately following the June War, little more has been heard of the Jewish community. Recent reports, however, suggest that the position of the Jewish community may have worsened after the recent coup. At present Amnesty International has not enough information to assess the extent of the problem.

* * * * *

Amnesty has also been concerned with non-Jewish prisoners in all of these countries and has been in correspondence with Governments on their behalf during a period of political instability throughout the area.

In particular, there have come many allegations of torture of Iranian subjects in Iraq. These statements have been collected in Iran and are at present being sent to Amnesty International Secretariat for translation and evaluation.

V

WORLD COUNCIL OF CHURCHES

35. Statement and Recommendations of the Consultation¹
on the Palestine Refugee Problem
September 1969

As every man hath received the gift, even so minister the same one to another as good stewards of the manifold grace of God.

I Peter 4 : 10

Anything that happens anywhere is the affair of the total congregation.

Saint Ignatius of Antioch

It is in this spirit of service and oneness that for 21 years, Christians of the Middle East supported by their brethren all over the world have been carrying on a ministry of relief and rehabilitation to the Palestinian refugees.

Ecumenical Conferences on the Arab refugee problems were held in Beirut in 1951 and 1956. On September 29, 1969, a little more than two years after the 1967 War, we assembled in Cyprus for a third Consultation on the Palestine refugee problem and the challenge it presents to the Churches of the Middle East and the world. We are grateful to our host Church, the Orthodox Church of Cyprus, and to the President and people of Cyprus, for their hospitality. Many of us have come straight from visits to Jordan, Lebanon, Syria, UAR or Israel and the Israeli-occupied lands, where we had been able to see the plight of the Palestinian refugees and displaced persons for ourselves and talk with representatives of churches and governments in the countries

¹ World Council of Churches, *Palestine Refugees - Aid with Justice : the Report of the Consultation on the Palestine Refugee Problem* (Geneva: World Council of Churches, 1970), pp. 11-14.

we visited. The majority of delegates are members of the Middle Eastern churches, some of us Palestinians. The other delegates represent churches and church agencies in twelve countries outside the Middle East. We are happy to have with us as consultants, representatives of UNRWA and many Church (both Catholic and Protestant) and non-Church Voluntary Agencies engaged in refugee work in the Middle East.

The purpose of our Consultation has been:

- a) to learn for ourselves the situation of Palestine refugees since 1948;
 - i) the great aggravation of the situation by the War of June 1967,
 - ii) the increased displacement of Palestinians and the displacement and evacuation of hundreds of thousands of other Arabs from their homes;
- b) to review the work of rehabilitation and relief which was entrusted to the Near East Council of Churches (then Near East Christian Council) by the First Beirut Conference and which has been carried out faithfully and effectively by the NECC and its associates through the recurring crises of the last eighteen years;
- c) to find ways for a greater involvement of the Churches of the Middle East in this work, and
- d) to define the priorities called for by the present situation.

His Beatitude the President of Cyprus, Archbishop Makarios, opened our Consultation and the General Secretary of the World Council of Churches, Dr. Eugene Carson Blake, gave the opening address. We have heard reports of the work and problems of the UN Relief and Works Agency (UNRWA) and of the Palestine Refugee Programme of the Near East Council of Churches. We have reviewed the statements of the World Council of Churches on the Palestine refugee problem and especially the

statement of its Central Committee in Canterbury, August 1969. We have studied the social and political dimensions of this problem.

As we look back on the First and Second Beirut Conferences which had expressed their shock at the plight of the refugees from Palestine, and re-read the words of the 1951 Conference Statement:

More than three-quarters of a million Palestinian refugees have been subjected to terrible privations, lasting in many cases for a period of three years. They have suffered grievous physical and material losses, but their mental, moral and spiritual hurt has perhaps been even greater. Furthermore there is no end in sight.

We realize that in 1969 the plight of the Palestinian refugees is even worse; there has been no progress in their return to their homeland - on the contrary, hundreds of thousands more have lost their homes and so far there has been no restoration of justice and peace in the Middle East.

Through two decades the relief and rehabilitation agencies of the churches have sought to be wise stewards of the resources provided by church people in many countries for relieving the plight of the refugees and for helping them to maintain human dignity. Our work for refugees has been in close cooperation with the United Nations Relief and Works Agency (UNRWA). The experiences of the years have deepened our awareness of the enormity of the tasks faced by UNRWA, and the competence and dedication with which it has dealt with the complex problems of the refugees.

Guide Lines Suggested to the Churches

Essential as programmes of relief and rehabilitation are, however, we are convinced that in themselves they are not an adequate Christian response to the injustice and misery under which the great majority of the Palestinian refugees continue to suffer, despite all the efforts of the United Nations. Nor is relief and rehabilitation

alone a response to the aspirations for self-determination and nationhood of the Palestinians. We consider it our duty to call upon the churches of the world to use all their influence towards a just solution involving necessarily the recognition of the rights of the Palestinians from which alone a lasting peace could come to the Middle East. Towards this end, we suggest to the Churches the following guide lines:

There is growing awareness of the reality of a Palestinian community, and manifestation of a Palestinian identity as shown, for example, in the Palestine liberation movement. Awareness of this Palestinian identity may be a first step towards the redress of the injustices done to the Palestinians. This means specifically that all of our work, both in humanitarian fields and in the preparation of educational and informational material, must be done not only for the Palestinians but with them.

While the statement of the Central Committee of the World Council of Churches in Canterbury in August 1969 is not regarded as, in every respect, acceptable to all the members of the Consultation, we welcome it as a step forward in building understanding among the Churches of the need to work for justice to the Palestinian people.

In particular we believe, in line with the Canterbury Statement (Point 3), that in supporting the establishment of a Jewish State in Palestine, without recognizing the rights of the Palestinians to self-determination, injustice has been done to the Palestinian Arabs by the Great Powers, and this injustice should be redressed.

In line with the Canterbury Statement (Point 8), we are concerned about the guardianship of the Holy Places, the status of Jerusalem, and the people of the city, and we welcome the proposal that the World Council of Churches should initiate discussions on the point.

Concerning the subject of biblical interpretation, we note with satisfaction that the Canterbury Statement (Point 7) has warned against "the misuse of the Bible in support of partisan political views."

We recognize the difficulties to be expected in any effort to vitalize the churches' work, both in the field of humanitarian service, and in the struggle for the fundamental rights of the Palestinian refugees. And with the Canterbury Statement, we pray "that our Churches will have a renewed sense of the continuing and increasing tragedy of the Palestinian refugees and other displaced persons, and of the imperative obligations of the Churches to minister to their needs and support their basic demand for justice" (Point 5).

All our work of compassion should be done in the context of the struggle for a just solution.

The Consultation requests the World Council of Churches to ask its member churches to use all their influence on their governments towards the redress of the injustice done to Palestine refugees; such redress to be based upon the principles of the UN Charter and the Universal Declaration of Human Rights.

The Consultation welcomes the actions of the Churches' Commission on International Affairs (CCIA) in convening consultations on the Palestine problem. It recommends that further consultations be held in which Palestinians should be included and that the conclusions of such consultations be communicated to the United Nations Secretary General and to the member churches of the World Council of Churches.

The Consultation requests CCIA, working in consultation with the churches of the Middle East, and with due regard to the guidelines stated above, to intensify regular discussions at the United Nations and with all governments concerned with influencing a political solution. It suggests that the exchanges which take place should not always remain unpublished.

The Consultation suggests that the various Divisions of the World Council of Churches should be requested to examine their programmes in order to ensure that the ramifications of the Palestine refugee question are not overlooked. For instance, the Division of Ecumenical Action could be asked to see how far it can involve itself in aspects of leadership training and appropriate youth work in the light of the specific needs of the Palestine Refugees.

Information on the Palestine Refugee Problem

We found that one obstacle to the action of the Churches throughout the world was the lack of responsible information on the Palestine refugee problem. We make therefore two recommendations:

1. We consider it an imperative obligation of all Christian Churches to use their utmost efforts through their organizations, conferences and publications, and in cooperation with the sister Churches of the Middle East, to bring out, responsibly, the facts about the Palestinian refugees and other displaced persons, and the grave injustices done to the Palestinian people, so as to help create the conditions conducive to a just solution.
2. We call upon the churches of the world, at all levels from the local congregations to national and regional councils, to promote an informed Christian discussion of the Palestine question. There must be deep understanding of the inalienable nature of the fundamental rights of the Palestinian people. Our concern for justice must go forward concurrently with renewed humanitarian efforts.

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36. Address on the Christian Churches and the Problem
of the Palestine Refugees¹
September 1969

*Address by Bishop Karekin Sarkissian,
Armenian Catholicossate of Cilicia, Antelias, Lebanon*

It is now twenty years that the Christian churches, both in the Middle East and in the West, particularly those who have committed themselves to a common witness within the constituency of the World Council of Churches have, in various concrete ways, expressed their vital concern for the problem of the Palestinian refugees. The refugees have unceasingly been present in their prayers, intercessions, thoughts, deliberations and actions.

The service to refugees has now become an integral and structural part of the World Council of Churches' principal functions and activities by which the *Diakonia* of the Church is given new expression and impetus in the whole field of the World Council of Churches action.

This concern for the Palestinian refugees is now growing because their conditions, far from being improved, are becoming more and more complicated causing greater anxiety, disquiet and disillusionment. The war of June 1967 resulted not only in new destructions, desolation, more victims and occupation of new Arab territories, but compelled more people to a state of refugee life thus increasing the needs and sufferings on the one hand, and, on the other hand, making the refugee problem more complicated and difficult for a solution on political ground.

¹ *Palestine Refugees - Aid with Justice*, pp. 47-54.

At this juncture, therefore, it is more than appropriate to look afresh into the task of the churches in general, and the World Council, in particular.

Let us first turn our eyes to the past:

What has the World Council of Churches done in its involvement in the problem of the Palestinian refugees?

When one goes through all the statements and actions taken by the World Council of Churches through its Officers, the Division of Inter-Church Aid, Refugee and World Service (DICARWS), the Commission of the Churches on International Affairs (CCIA), the Executive and Central Committees and the General Assemblies, from the first Assembly at Amsterdam (1948) to the last meeting of the Central Committee in Canterbury (August, 1969), one is simply and deeply impressed by the magnitude of the service to and the sincerely committed and constantly expressed concern for the Palestinian refugees and the problems they pose.

It is highly significant in this respect to remind ourselves, at the very beginning of our discussions, that the origin of the organically expressed concern of the World Council of Churches for refugees is related to the service to Jewish refugees. Thus, the fourth Committee of the 1948 Amsterdam Assembly facing for the first time the problem of the Palestinian refugees stated in its resolution, adopted by the Assembly, that:

The World Council of Churches recalling that the origin of its Refugee Division was the concern of the churches for Jewish refugees, notes with especially deep concern the recent extension of the refugee problem to the Middle East by the flight from their homes in the Holy Land of not less than 350,000 Arab and other refugees.

This statement is of great importance as it places the World Council of Churches in a very special position to speak on the problem of the Palestinian

refugees. The Christian churches as a whole and the World Council in particular have rendered immeasurable and invaluable services to the Jews in the times of the sufferings and persecutions that fell upon them in the Western European countries both prior to and during the Second World War. This service has to be reckoned as one of the glorious pages in recent Christian history. For the past twenty years, the World Council of Churches is serving the Arab refugees as they have been forced to leave their homes and have been denied their fundamental human rights. Therefore, I believe that the World Council of Churches is in a position to speak on this issue in a very special way addressing itself to both Jews and Arabs and to all concerned with or involved in the conflict. And I must say that it has fulfilled to a great extent its obligations in this respect. There is still a long way to go for fully achieving its mandate in this field. But let us see what has been done so far:

The First Beirut Conference on the Arab Refugee Problem was clear and sharp in recognizing the injustice inflicted upon the Arab people. Its official statement affirms that:

Along with millions of refugees in other parts of the world - Europe, India, Pakistan, Korea and elsewhere - the greater proportion of the Palestinian refugees are the victims of a catastrophe for which they themselves are not responsible. A deep injustice has been inflicted upon them, a measure of suffering they never deserved. To them is owed a debt of restitution by their fellow-men, especially by those who in any way shared in the responsibility for their plight (*Report from Beirut*, p. 44).

Year followed year and the life of the refugees became harder and harder. Likewise their problem went through new complexities. In front of this hard and cold situation, an appeal was issued in 1955 by the Near East Christian Council, being addressed to the Christian Churches of the world. This opportunity was seized by the Commission of the Churches on International Affairs to recommend this document to its

National Commissions suggesting them to stimulate the concern of their countries for the cause of the Palestinian refugees and even to look for possibilities "of inviting Arab leaders to visit their countries to promote better understanding and cooperation."

Five years had elapsed since the First Beirut Conference when the need was felt to hold a second Consultation on the same spot, in Beirut. The situation had gone through a process of increasing deterioration. When one reads carefully the 1956 Beirut Conference Statement one is struck by finding it almost purely descriptive. No new word was uttered on the basic problem of the rights of the refugees. Even some of the statements to this effect were rather pale. They simply stated facts with no attitudes taken. Compare, for instance, the following passage with the one quoted above from the first Conference statement:

The State of Israel was established in 1948. A refugee problem developed so as to involve immeasurable misery for over a million Palestine Arabs. This tragedy has not been healed by time. It has grown worse, and it creates a serious menace not only for peace in the Middle East, but in the world (*Second Report from Beirut*, p. 10).

The Suez crisis in 1956 sharpened the situation and involved more international factors in the issue. Politically speaking, the problem became more complex. Not much could be said then but just to call attention of the world political authorities to what had been said in the Evanston General Assembly, namely, that all nations should refrain from the use of force against the territorial integrity of any State (see the Officers' Statement, 2nd November, 1956).

The Second Beirut Conference had devoted much of its time to and had focused its deliberations on the Relief Programmes that were carried on in the following ten years. No radical changes did occur in the situation of the Palestinian refugees. The New Delhi General Assembly (1961) concerned itself with the problem of

anti-semitism. The question of the refugees did not occupy any significant or vital place in the deliberation and proceedings.

But the war of June 1967 revived the issue with more acuteness. The Israeli occupation of the Arab territories in Egypt, Syria and Jordan, including the Holy City of Jerusalem, resulted not only in a new influx of refugees forced to leave their homes and properties, but also caused deep anxiety among those who had hoped for a peaceful solution of the basic issue at stake. Now with a new expansionist policy on the Israeli side, the issue came to be considered as almost insoluble on political grounds.

The World Council of Churches was alert and prompt in responding to the newly created situation with new hostilities being perpetrated. On the 5th of June, the Director of the Commission of the Churches on International Affairs addressed a letter to the General Secretary of the United Nations expressing full support for any action that could be taken to halt the outbreak of hostilities and secure an immediate cease-fire.

Two days later, on the 7th of June, the Officers of the World Council of Churches issued a similar statement for bringing about a cease-fire under international supervision, and urging the member churches to make the strongest representation to their governments to do their utmost to this effect.

The situation had become critical on human grounds. The Israeli occupation was causing hundreds of thousands of Arab people to become homeless with no means for a modest livelihood. The Division of Inter-Church Aid, Refugee and World Service issued an urgent appeal to all member churches to raise a sum of two million dollars for relief work among the new refugees.

In view of this tragic situation, the General Secretary of the World Council of Churches sent representatives to Israel and the Arab countries to consult with member

churches about finding effective ways of manifesting the Christian concern for both this emergency situation and the long-standing refugee problem.

An important statement on the problem of the Palestinian refugees was issued by the Central Committee of the World Council of Churches in its August (1967) meeting in Heraklion, Crete. This policy-making committee affirmed in very clear terms: "No nation should be allowed to keep or annex the territory of another by armed force. This applies to the present situation."

Referring to the problem of refugees it stated:

There can be neither reconciliation nor significant development in the area unless, in the general settlement, a proper and permanent solution is found to the problem of the Arab refugees, both old and new.

We therefore urge that all persons who have been displaced in recent months should be permitted to exercise their right to return to their former places of residence.

A year later, the Fourth General Assembly of the World Council of Churches reaffirmed this position in a brief and clear statement.

One of the most significant steps taken in way of giving genuine expression to the World Council of Churches' concern for the problem of the Palestinian refugees was the visit that the General Secretary paid this year in March to the Arab countries, namely to Egypt, Lebanon, Syria and Jordan as well as to Israel. It offered unique opportunities for open, frank dialogue and enabled the Secretary to realize how acute was the problem calling for firmer attitudes and courageous stands for a peaceful, hopeful and just solution. It gave also the Church leaders of the area the possibility of understanding the nature, the scope and the objectives of the World Council of Churches' involvement in the problem.

The latest statement issued by the World Council of Churches is the one formulated just a month ago by the new Central Committee in its first meeting in Canterbury.

Here I find and welcome with great joy a new and stronger emphasis on the basic issue, namely, the recognition of the rights of the Palestinian refugees. It states that it believes that: "In supporting the establishment of the State of Israel without protecting the rights of the Palestinians, injustice has been done to Palestinian Arabs by the great powers which should be redressed."

It calls attention to the implementation of the United Nations Security Council Resolution of 22nd November, 1967 and expresses its concern: "That basic internationally recognized human rights be observed for all people and urges the General Secretary of the United Nations to intensify his actions toward this end."

Finally, it welcomes the plans for this our Consultation in Cyprus and

Prays that our Churches will have a renewed sense of the continuing and increasing tragedy of the Palestinian refugees and other displaced persons, and of the imperative obligations of the Churches to minister to their needs and support their basic demand for Justice.

Having thus concluded this historical survey of the World Council of Churches' involvement in the problem of the Palestinian refugees - drawn in a very sketchy type of outline intended to be simply a reminder of earlier steps which may cast some light on our deliberations in this Consultation - now I would like to make some observations about the task that still confronts us as members of Churches and as member Churches of the World Council.

I. It is important to note that this our Consultation is being convened thirteen years after the Second Beirut Conference of the same nature. The interval between this latter and the present one has seen considerable changes in the life of the churches both in the Middle East and on world level.

In the first place, the influx of the new refugees has stimulated a deeper

involvement of the local churches in the refugee problem. The leaders and the faithful of the churches in the Middle East have taken upon themselves more responsibilities than they had done hitherto. I wished time would have allowed that a special paper were scheduled in the programme of this Consultation to present in detail, what the local churches, Orthodox, Catholic and Protestant have done both in terms of relief work and in moral support based on Christian principles, of the rights of the Palestinian refugees. They experienced a new fellowship and cooperation in the service to refugees. The ad hoc Committee was an eloquent sign in this respect. On the one hand, it brought together the Inter-Church Aid Committee for Syria and Lebanon being composed of representatives of the member churches of the World Council in the area, and, on the other hand, the Near East Council of Churches Division for Refugee Work. Out of this cooperation emerged the idea and the plans for this very Consultation in which we are now engaged.

Secondly, the Middle Eastern churches, Orthodox, Catholic and Protestant, have been more fully involved in the ecumenical movement at large with new experiences gained through fellowship and common commitments. In the last decade many new expressions of the ecumenical spirit, perspectives and visions dawned upon the Churches of the Middle East. The Vatican Council opened new directions in the life of the Middle Eastern Catholic Churches at the same time challenging the other churches with new possibilities for cooperation. The various pan-Orthodox meetings at Rhodes and in other places, both on hierarchical and youth level (Syndesmos), opened new perspectives for the ecumenical witness of the Orthodox group of Churches in the Middle East. The Addis Ababa Conference of the Heads of the Oriental (Non-Chalcedonian) Orthodox Churches with subsequent Standing Committee meetings in Cairo, Beirut and Damascus again created a new awareness of the common task of this

family of Ancient Oriental Churches. The formation of Ecumenical Commissions by the major churches or groups of churches in Lebanon, Egypt and elsewhere, with all related activities in the fields of youth work, education, lay training, theological education and others greatly enriched the life and witness of the Christian Churches of the Middle East. The Christian situation in relation to ecumenical action is therefore no longer the same as the one that existed at the time of the Second Beirut Conference (1956). We have new factors in operation, new ideas and ideals acquired, new experiences gained.

Thirdly, there are new changes in the World Council of Churches itself. Of course, I cannot mention all. But the one that concerns us most for our deliberations at this Consultation, is the new opening of the World Council of Churches to a vital need of our times: world development. Thus, the Geneva World Conference on Church and Society in 1966, the Beirut Conference on World Development held in 1968 and organized jointly by the Roman Catholic Church and the World Council of Churches, the spirit and general mood of the Uppsala Conference which sanctioned and strengthened such new openings, with all other related consultations and meetings, were indeed most important landmarks in the whole history of the Ecumenical Movement.

Do all these changes have any special message to us here and now as we focus our thoughts on the problem of the Palestinian refugees? How are we going to use all these new insights and experiences for a more efficient service to the refugees? What new structural patterns can and should be devised to organically channel in the spirit of ecumenical cooperation these new aspects and factors in the field of our common service to the refugees?

We may well recall that out of the First Beirut Conference in 1951 emerged the Near East Christian Council Committee for Refugee Work. Eighteen years have elapsed between then and the present Consultation. Is it not the time to think of ways of

finding more adequate structural means of service by which all the churches of the area may share together their respective resources and the ecumenical experiences?

I believe that this is one of the areas of concern to which our Consultation has to direct its deliberations.

II. On several occasions, it has been repeatedly made clear that the Churches and the World Council have no mandate, neither the authority nor the power to seek a political solution of this long-standing problem of the Palestinian refugees. That is the immediate task of the sides involved in this conflict and the United Nations or those Great Powers that have had responsibilities for the creation of the present-day situation. The particular task of the World Council of Churches in this connection has been, and continues to be, to remind and to press all such sides, international agencies and political authorities that this bitter crisis must find its solution, because in such solution is to be found the key to the solution of other related problems of human nature which constitute a constant threat to the establishment of peace and impede the process of development for the well-being of all the peoples of the Middle East.

I am glad to realize that there is a growing awareness on the part of the World Council of Churches of the urgency and centrality of this fundamental aspect of the refugee problem in the Middle East. As it was clearly said in the Canterbury statement injustice has been done to the Palestinian Arabs by the creation of the present State of Israel. This injustice has been committed by disregarding and discarding the legitimate rights of this people for their homes and properties. These rights will never die away. People will pass away; new generations will rise as the claimants of their fathers' rights. As Elfan Rees has pointed out in 1956:

The refugee needs more than anything else a home and a job, and he, when he talks to you, will tell you that the only home he wants is his old home. Moreover, he has a clear moral right to it (*Report from Beirut*, p. 23).

Human rights are sacred to man. This has been now universally recognized and internationally sanctioned (The Universal Declaration of Human Rights 1948). They are deeply rooted in the very nature of man. Human dignity cannot be trodden down by force and other so-called 'power advantages.' Claims for rights cannot be absolutely genuine and ultimately valid if the claimants try by all means to annihilate the rights of others. By doing so they simply kill on moral grounds the principle of their own rights. Such actions cannot be condoned by any organization, state or individual who has respect for international law and world peace and order in justice.

Let me illustrate this by drawing your attention, for one moment, to one particular case which is, indeed eloquent in this respect and which is familiar to me.

My own Armenian people have gone through the hardest experiences of refugee life. You may well recall from this twentieth-century history that during the first World War not only over a million Armenians were massacred by the Turkish government of the time, but hundreds of thousands were forced to leave their centuries-old homeland, their own homes and properties and came to find refuge in the Arab countries, went to Europe and the United States of America. Gradually they integrated themselves in the life of the countries in which they were accepted. They built new homes, churches, schools and reorganized their own community life. Food, home and other material goods that had been taken away from them were regained.

More than fifty years have now passed. The old generation, those who personally experienced the hardships of the days of persecution and suffering, are dwindling away. A new generation has arisen and with this generation is renewed also the national consciousness for their rights. They consider themselves as the claimants of those

rights that were denied to their fathers for one reason or another. The fiftieth anniversary of the Armenian martyrs celebrated in 1965 rekindled this hope and strengthened this determination. And I believe that the claims will become stronger even if the centenary is reached without seeing their fulfilment.

One of the greatest figures of the twentieth-century history on world scale, Fridjof Nansen of Norway, who has been rightly called "The Father of the Refugees," for having been the most courageous and indefatigable champion of the cause of all refugees in the world, concluded one of his books on *"Armenia and the Near East"* with the following mighty words and prophetic vision:

The nations of Europe and the statesmen of Europe are tired of the everlasting Armenian question. Of course. It has only brought them one defeat after another, the very mention of it recalling to their slumbering consciences a grim tale of broken or unfulfilled promises which they have never in practice done anything to keep. And after all, it was only a massacred, but gifted little nation, with no oilfields or gold-mines.

But the Armenian people have never abandoned hope; they have gone on bravely working, and waiting . . . waiting year after year.

They are waiting still.¹

They wait today and strive hard for the recovery of their rights. It is a significant fact that the fifty years have not been able to eclipse these rights.

Is this not an example that the basic aspirations of peoples and nations are not to be found only in food, home, medical care, or other material goods, but also in the will for self-determination.

And who if not the Churches have to voice the demands for recognition of the human rights for all the peoples and, at this critical moment, for the Palestinians?

I was very much impressed when I read the following words in an address delivered eighteen years ago, at the First Beirut Consultation by Dr. Edwin Moll,

¹ *Armenia and the Near East* (London: G. Allen & Unwin Ltd., 1928), p. 324.

the Director of the Near East Branch of the Lutheran World Federation, a person who knew well the situation of the Middle East in general and of the Palestinian refugees in particular:

Could and should not the Christian forces in the world exert their influence in the realm of justice? The Arab refugee is not poor; he has got lands, he has got buildings, he has got assets - but he hasn't got them now. And it seems to me that we should lift our voices in the interests of justice and ask that the Arab refugee be compensated for what has been taken away from him. And, further, we should ask that money and lands which they had and which have been frozen should be released to them (*Report from Beirut*, pp. 28-29).

Have we, as Churches and as World Council, used all our forces, possibilities and opportunities to lift our voices for justice for the Palestinian refugees? Have we utilized all the means at our disposal for making our fellow-Christians in all parts of the world become sensitive and alert to the needs of the Palestinian refugees? I think that the World Council of Churches' ongoing service to the immediate needs of the Palestinian refugees has been so predominant that the aspect of the recognition of the rights of the Palestinian refugees has not been given the adequate full consideration that it really deserves. As I indicated above, there is now a new awareness on the part of the World Council of Churches in this direction. This has to be carried on. We welcome it heartily. We believe that when the member churches of the World Council individually or corporately speak on this aspect in their statements and other means of communication it will carry an immense weight on world opinion and will exert considerable influence on the political authorities.

In the final resort, it will definitely help also our Jewish brethren. For it is not in their interest, too, to have the refugee problem continued and perpetuated indefinitely. It engenders bitterness, hatred and therefore will never help bring peace and stability in the Middle East.

It is my hope that this Consultation while reviewing the service to the refugees in its structural and operational aspects, will express its joy by seeing that the recognition of the rights of the Palestinian gets greater attention. Thus it will support and encourage this new dimension of the World Council of Churches' involvement in the problem of the Palestinian refugees.

Let us then continue to serve the refugees in the spirit of the "Good Samaritan." And in the context of that fundamental task of our Christian mandate let us be advocates of their human rights, their legitimate demand for justice, that has been denied to them at present. For their cause is ours, as justice is for all, being God's will for all mankind.

37. World Council of Churches Statements on the Palestine
Refugee Problem¹
1948-1969

A. REPORT OF COMMITTEE IV, AMSTERDAM ASSEMBLY (EXCERPTS)
1948

The Emergence of Israel As a State

On the political aspects of the Palestine problem and the complex conflict of "rights" involved we do not undertake to express a judgment. Nevertheless, we appeal to the nations to deal with the problem not as one of expediency - political, strategic or economic - but as a moral and spiritual question that touches a nerve centre of the world's religious life.

Whatever position may be taken towards the establishment of a Jewish state and towards the "rights" and "wrongs" of Jews and Arabs, of Hebrew Christians and Arab Christians involved, the churches are in duty bound to pray and work for an order in Palestine as just as may be in the midst of our human disorder; to provide within their power for the relief of the victims of this warfare without discrimination; and to seek to influence the nations to provide a refuge for "Displaced Persons" far more generously than has yet been done.

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Palestine Refugees - Aid with Justice, pp. 74-86.

Refugees and Uprooted Peoples.*Resolution Proposed by the Committee on Christian Reconstruction
and Inter-Church Aid of the Amsterdam Assembly*

The World Council of Churches, recalling that the origin of its Refugee Division was the concern of the churches for Jewish refugees, notes with especially deep concern the recent extension of the refugee problem to the Middle East by the flight from their homes in the Holy Land of not less than 350,000 Arab and other refugees.

It receives, with an urgent sense of its Christian duty, the appeal which originally came from Christian leaders in Palestine. It records appreciation of the prompt cooperation offered by the UN Mediator in Palestine with the projects of relief initiated by the churches and inter-church bodies, and in commending the actions in this field already taken.

Resolves :

to urge the churches to include in their provision for refugees additional emergency help for the urgent situation in the Middle East, and to channel this help in such a way as both to achieve a distinctive and maximum Christian effort in this field, and to ensure its co-ordination with the measures initiated:

to recommend that, through its Refugee Commission, the World Council of Churches should:

1. appeal for money, food, medical supplies, and blankets;
2. in conjunction with the International Missionary Council, appoint a special Field Representative to co-ordinate Christian action with the Mediator's programme;

3. urge and assist all Christians in Palestine and neighbouring countries to cooperate in this work in every way practicable.

B. STATEMENT OF WORLD COUNCIL OF CHURCHES OFFICERS

NOVEMBER 2, 1956

The Chairman and the Vice-Chairman of the Central Committee and the General Secretary of the World Council of Churches request all member churches of the Council in this grave situation in the Middle East to remember what the churches said together about international order and most recently at the Second Assembly of the World Council of Churches at Evanston. They direct particular attention to the passages in the Evanston Report where the churches state that no nation in an international dispute has the right to judge in its own cause, where they call upon the nations to pledge that they will refrain from the threat or the use of force against the territorial integrity of any state and where they affirm that any measures to deter or combat aggression should conform to the requirements of the United Nations charter. They finally ask the churches to pray to the Almighty God that he will guide the governments and the peoples in the ways of justice and peace.

Dr. Franklin Clark Fry (USA)
Chairman of the Central Committee

Dr. Ernest Payne (United Kingdom)
Vice-Chairman of the Central Committee

Dr. W.A. Visser't Hooft (Netherlands)
General Secretary

C. LETTER TO UNITED NATIONS SECRETARY-GENERAL FROM OFFICERS OF THE
COMMISSION OF THE CHURCHES ON INTERNATIONAL AFFAIRS

MAY 22, 1959

You will know from our Beirut Conferences and more particularly from their substantial relief programmes that our churches and missions have a very great concern for the continuing plight of the Arab refugees. That concern has been deepened in recent months by our knowledge that the mandate of UNRWA expires in June 1960 and that, in the Thirteenth General Assembly there was voiced a disinclination to extend it.

It is certain that, whatever governments may do, the churches will not abandon the Arab refugees, nor will they cease their advocacy for the needs of the "other claimants for relief." At the same time we are convinced that what the churches can do will not be enough. Moreover, we are apprehensive that, if there is no progress towards solutions, it will become increasingly difficult to continue to focus Christian concern on this particular refugee problem at a time when so many others challenge us.

We take hope from the knowledge that you yourself have undertaken to advise the Fourteenth General Assembly as to what the future course of action should be and it is for this reason that we venture to address you in the following terms:

1. While we deplore the failure to solve this problem after ten years of endeavour we have no criticism of UNRWA's magnificent work as a relief agency, and we are most grateful for its devoted leadership. We also recognize that had more governments contributed more generously, the "self-help" projects, which offer so much hope of solutions for individual families, would have prospered better.

2. We do not believe that the progressive pauperisation of these refugees ought to be perpetuated but we are nevertheless convinced that a continuing relief programme on a long-term - though possibly diminishing basis is essential and inevitable. We are informed that almost one-third of the older refugees are now incapable of employment and re-establishment, moreover those others, not yet incapacitated, who might accept re-establishment would need continuing care and maintenance until their establishment was firm.
3. The preceding paragraph notwithstanding, we regret that UNRWA has been forced, by political and financial considerations, into the role of a "relief" agency to the almost total exclusion of "works." We are convinced that, in any new dispensation, relief should become ancillary to works and should indeed become conditional on works being made financially and, above all, politically possible.
4. We recognize that such a change of emphasis must depend, in the first instance, on the goodwill of the host governments, but we do not think this will be forthcoming without some initial action on the part of Israel. We welcome most warmly the recent offer by Israel of compensation, more particularly as it was made in a much less rigid context than that of total settlement. Nevertheless we do not think this is enough. Our Second Beirut Conference called for the recognition of the moral right to repatriation. We have no illusions as to the practicability, on political and economic grounds, of unrestricted repatriation but we feel that the possibility of repatriation - under international control and possibly on an annual quota basis - must be one element in an overall settlement.
5. Given such a move we then think that the main emphasis in a new programme should be on building up an economically and socially useful future for the refugees by

equipping them in such a way that they can establish themselves. We are not sanguine that the present political climate is propitious for large-scale re-settlement programmes in the host countries but we do believe that, given adequate resources, a family by family "self-help" and "homes and jobs" movement would soon acquire momentum.

6. A final onus lies upon member governments of the United Nations who, in our view, must be made to realize that in addition to maintaining the relief programme, much more massive sums of money will be required if we are to move towards solutions, and that more money must be contributed by more governments.
7. We therefore visualize a new deal for the refugee in which he is offered, as a comprehensive offer: (i) a home and a job; (ii) continuing relief until he is established; and (iii) compensation from Israel; or, (iv) and as an alternative, the possibility of ultimate repatriation to Israel.
8. We do not know whether such a programme could be implemented by UNRWA as it is now organized but it may well be that a new agency untrammelled by the past, and by past agreements, could more easily make a new beginning.

The officers of the World Council of Churches and the International Missionary Council are convening a special consultation in August and we shall at that time anxiously consider the recommendations you will propose to the General Assembly.

This will be a matter of great importance to us because, as our programmes are so closely geared to those of UNRWA, we need good notice of what the future is likely to be.

We hold ourselves ready to discuss these proposals with you if you think they

have any merit in the present situation.

O. Frederick Nolde
Director

Elfan Rees
Representative in Europe

Kenneth G. Grubb
Chairman

D. MINUTES OF WORLD COUNCIL OF CHURCHES CENTRAL COMMITTEE MEETING AT RHODES
AUGUST, 1959

Report of the Administrative Committee of the Division of Inter-Church
Aid and Service to Refugees to the Central Committee

B. *Arab Refugees:*

The Administrative Committee has through the years sought to keep the attention of the churches focused on the needs of the Arab refugees and to mobilize the help of the churches on their behalf. Each year, according to information available to the Division, more than \$2 million worth of help is sent to them. The present discussions, therefore, concerning the renewal of the mandate of the United Nations Relief and Works Agency, which will be brought to a decision at the forthcoming Fourteenth Assembly of the United Nations, are of great interest to the Division. The Division has been party to a consultation on this subject convened by the General Secretaries of the International Missionary Council and the World Council of Churches. The Administrative Committee desires to draw the attention of the Central Committee to the fact that a curtailment or a termination of the services of UNRWA would create a gap which it would be beyond the power of the voluntary agencies to fill, but that the Committee pledges itself in the event of either of these possibilities to seek not only to maintain the help of the

churches at the present scale, but to increase it. In the meanwhile the Division has called the attention of its related agencies to the opportunity of World Refugee Year for securing additional aid to these people.

Statement on UNRWA adopted by the Fourteenth Executive Committee of CCIA,
Spital, Austria, August, 1959

The Executive Committee:

Notes the letter from the Officers of the CCIA to the Secretary-General of the United Nations on the future of UNRWA with its emphasis on the continuing need for relief and its call for more evident signs of progress towards a solution of the long-standing problem of the Arab refugees,

Also notes the Report of the Secretary-General of the United Nations to the XIVth General Assembly, many of the recommendations of which are in consonance with those made by the Officers of the CCIA and by the First and Second Beirut Conferences convened by the World Council of Churches and the International Missionary Council,

Expresses in particular its agreement with the recommendation that the United Nations' activity with regard to Arab refugees should continue with the understanding that it should be accompanied by increased efforts to move towards a solution of the refugee problem,

Records that the Committee, recognizing that some aspects of the Report are beyond its competence, does not commit itself to a general endorsement of the Report as whole,

Emphasises that, as the XIVth General Assembly acts on the Report, it is of paramount importance that the needs, both for a continuing relief programme and for some positive approaches to solutions, should be fully recognized.

Urges governments, members of the United Nations, to accept a full commitment to the political and financial co-operation necessary to the continuation of UNRWA or to the operation of any adequate successor agency and, in the event of modifications to the recommendations, to safeguard at all costs the continuation of relief and the insistence on more positive progress towards solutions.

Calls upon related Churches and National Councils of Churches in their respective countries to press their governments to act in this affirmative way.

E. WORLD COUNCIL OF CHURCHES OFFICERS STATEMENT

JUNE 7, 1967

As officers of the World Council of Churches we express our anxiety and deep concern at the new outbreak of hostilities in the Middle East.

We urge support of the United Nations action in order that a prompt and equitable cease-fire under international supervision may be effective. The role of the four Great Powers as mediators and proponents of restraint should at this moment be used to the maximum, whether within or outside the Security Council.

The human hardship and suffering resulting from the present conflict and from the long unresolved tensions in the Middle East, and particularly the fate of refugees of various nationalities in the area are ever in our mind and prayers.

We therefore urge our member churches to make the strongest representation to their governments to do all in their power to bring about a cessation of hostilities and to lay the foundations of a just and durable peace. We also ask that they should especially remember in their prayers churches in the area of conflict and all those who are suffering as a result of hostilities.

Dr. Franklin Clark Fry, New York, N.Y.
Chairman, Central Committee

Dr. J.R. Chandran, Bangalore, India
Vice Chairman

Dr. Ernest A. Payne, London, England
Vice Chairman

Dr. Eugene Carson Blake, Geneva
General Secretary

F. STATEMENT ON THE MIDDLE EAST ADOPTED BY THE CENTRAL COMMITTEE
OF THE WORLD COUNCIL OF CHURCHES MEETING ON CRETE
AUGUST 1967

The deep conflict which for over twenty years has divided the Middle East and troubled the whole world and which this year has broken out in new and bitter fighting, must be of profound concern to all Christians. The countries involved in it have been the birthplace of some of the earliest developed human civilizations and of three of the world's greatest religions, Jewish, Christian and Muslim.

The present crisis has developed in part because the rest of the world has been insensitive to the fears of people in the Middle East; the fears of the people of the Arab nations because of the dynamism and possible expansion of Israel, and the fears of the people of Israel who have escaped persecution on other continents only to be threatened, at least by word, with expulsion from their new home.

We recognize the urgency of seeking creative solutions to this problem lest the acceptance of a cease-fire without a just political settlement result in a fait accompli which can only increase antagonism and encourage preparation for the next attempt at a solution by armed force.

Since the beginning of the present crisis the World Council of Churches has called for a peaceful and just solution. After the outbreak of war, it urged a speedy cessation of hostilities and insisted that both the peoples directly involved

in the conflict and the great powers were responsible for the establishment of a just and durable peace.

We believe there are strong spiritual and moral forces that exist below the surface and can be released to end the cycle of enmity and suspicion. The situation now emphasizes the necessity and presents an opportunity to move towards a brighter future for all people concerned. We do not consider it our task to enter into all the details of a political settlement. We do hold, however, that the following elements are essential to any peace founded upon justice and recognition of the equality of all peoples in the region.

1. No nation should be allowed to keep or annex the territory of another by armed force. This applies to the present situation. National boundaries should rest upon international agreements freely reached between or accepted by the people directly concerned.
2. Effective international guarantees should be given for the political independence and territorial integrity of all nations in the area, including both Israel and the Arab nations.
3. There can be neither reconciliation nor significant development in the area unless, in the general settlement, a proper and permanent solution is found to the problem of the Arab refugees, both old and new. We therefore urge:
 - a) that all persons who have been displaced in recent months should be permitted to exercise their right to return to their former places of residence. In the case of those from the West Bank of the Jordan this will involve action:
 - i) to extend substantially the period for application to return, and
 - ii) to provide a form of application that carries no political implications.

We are glad to learn that on both these points some progress has been made.

b) that the United Nations should be increasingly involved in the short and long-term aspects of the problem of all displaced persons. The expanding services of UNRWA are essential and urgently need the generous support of all governments. The World Council should continue in its search for a satisfactory solution to the whole refugee problem. The current operations of the churches and the Near East Council of Churches should be reinforced.

4. In the meantime until a just and peaceful settlement is reached, we are particularly concerned about the religious aspect of the situation. In a region where communities of three religions met and lived together for long centuries, full religious freedom must be assured to all persons and communities. The continued presence and witness of these faiths and their respective communities must be guaranteed by international agreement including free access to the holy places in a land of unique importance for every one of them.
5. While the needs of national security in each case must be adequately met, a new armament race must be avoided by the agreed limitation of national armaments to the lowest level consistent with a balanced security in the area.
6. The great powers have played a role in shaping the political and economic structure of the Middle East. For this reason and because peace in this most sensitive and central area affects the peace of the world, these nations must be prepared to cooperate with leadership in the Middle East in the stabilization of the region and refrain from selfishly pursuing their own political, economic and commercial interests.

7. The legitimate hopes of all the people of the Middle East for development should be encouraged based upon the talents and resources of all the nations involved. This assumes international and financial support by all possible sources including the commitment already made by the United Nations and its Specialized Agencies.
- G. STATEMENT ON THE MIDDLE EAST ADOPTED BY THE FOURTH ASSEMBLY OF
THE WORLD COUNCIL OF CHURCHES MEETING IN UPPSALA, SWEDEN
JULY 1968
1. We are deeply concerned that the menace of the situation in the Middle East shows no present sign of abating. The resolutions of the United Nations have not been implemented, the territorial integrity of the nations involved is not respected, occupation continues, no settlement is in sight and a new armament race is being mounted.
- In these circumstances we reaffirm the statement of the Heraklion Central Committee in August 1967, and make the following points based upon it:
- a) The independence, territorial integrity and security of all nations in the area must be guaranteed. Annexation by force must not be condoned.
 - b) The World Council of Churches must continue to join with all who search for a solution of the refugee and displaced person problem.
 - c) Full religious freedom and access to holy places must continue to be guaranteed to the communities of all three historic religions preferably by international agreement.
 - d) National armaments should be limited to the lowest level consistent with national security.
 - e) The great world powers must refrain from pursuing their own exclusive interests in the area.

2. The forthcoming report of the Special Representative of the United Nations Secretary General is urgently awaited, and the Assembly earnestly hopes that it may open the way to a settlement.
3. It is the special responsibility of the World Council of Churches and its member churches to discern the ways in which religious factors affect the conflict.

H. MIDDLE EAST STATEMENT ADOPTED BY THE CENTRAL COMMITTEE OF THE
WORLD COUNCIL OF CHURCHES MEETING IN CANTERBURY
AUGUST 1969

The Central Committee of the World Council of Churches reviewing the situation in the Middle East in the light of the resolution of the Uppsala Assembly and later events in the area, notes with deep concern the constant deterioration of the situation and the increasing threat of an explosion which could affect the peace of the world, adopts as its own the principles which the former Central Committee of the World Council of Churches set forth in its statement on the Middle East at Heraklion in August, 1967.

1. Recognizes that no lasting peace is possible without respecting the legitimate rights of the Palestinian and Jewish people presently living in the area without effective international guarantee for the political independence and territorial integrity of all nations in the area, including Israel.
2. Recognizes that the great powers have special responsibility for creating the political climate and the external circumstances in which peace can be restored

on the basis of the implementation of the UN Security Council Resolution of November 22, 1967.

3. Believes that in supporting the establishment of the State of Israel without protecting the rights of Palestinians injustice has been done to Palestinian Arabs by the great powers which should be redressed.
4. Reaffirms that the World Council of Churches should continue to fulfil its responsibility to serve the needs of all refugees, and requests it to include in this concern both Arabs and Jews and the basic idea of legitimate free movement.
5. Welcomes the plans to convene in Cyprus in September next a consultation on "The Middle East Refugee Programme," and prays that our churches will have a renewed sense of the continuing and increasing tragedy of the Palestinian refugees and other displaced persons, and of the imperative obligations of the churches to minister to their needs and support their basic demand for justice.
6. States again its concern that basic internationally recognized human rights be observed for all people and urges the General Secretary of the United Nations to intensify his actions towards this end.
7. Suggests that the subject of biblical interpretation be studied in order to avoid the misuse of the Bible in support of partisan political views and to clarify the bearing of faith upon critical political questions.
8. Recommends that serious consideration be given by the appropriate department of the World Council of Churches to initiating discussions with Christians, Jews and Moslems as to the guardianship of the Holy Places, the status of Jerusalem and the people of the city.

VI

WORLD COUNCIL OF PEACE

38. Report by World Council of Peace Secretary-General Romesh Chandra¹ (Excerpts)
October 1967

We had expected to see a great deal of misery, of the effects of a war which we knew had many awful aspects about it.

But what we saw in Syria and then in the United Arab Republic, as the delegation of the World Council of Peace, was beyond anything any of us had imagined. We saw the refugee camps in both countries. We were on the Suez Canal, in the cities of Suez and Ismailia. We went to the hospitals, where a dedicated team of doctors had striven to save the lives of the victims of Naqalm - that new toy of the men of aggression and war. We met those who had sought to heal the sufferings of soldiers, who had been let loose in the great, unending burning desert as a measure of "clemency" by their captors. We saw with our own eyes what bombs, deliberately dropped on a hospital, can do. We saw what the cold-blooded bombardments of civilian homes mean for the tender flesh of infants.

Our books of notes are full with stories which, when they are told, will not bring tears to the eyes of those who hear them. They will leave them dry-eyed with horror and shock. But we believe, our report will change their lives a little, sharpen their understanding, steel their hearts against the global plans of those forces in the world who seek to destroy the independence of people and to drive the entire world towards the brink of that terrible conflagration from which there can be no return.

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Romesh Chandra, "Not War - But Barbarism and Bestiality on the Rampage," *The Truth About the War in the Middle East: Reports by Members of the Delegation of the World Council of Peace to Syria, the U.A.R. and Jordan* (Vienna: World Council of Peace, n.d.), pp. 3-7.

WHY DID YOU LEAVE YOUR LAND?

We interviewed the refugees. These were simple people, workers and peasants, young boys, old women, people of all ages and all kinds. And they sat and told us their stories in their own straight and honest words. They did not know that we would ask them the questions we did ask them. They had seen people visiting their camps before. But these had asked them questions of a different type. The questions we asked them were really questions for which they were not prepared. And that is why the answers told so much more than any answers which they had thought about before.

We asked them: "Why did you leave your land?" And they would look at us with somewhat dazed eyes. What were these people asking this question for, they seemed to say. Do they not know, their eyes seemed to ask. And we would go on and say: "Were you frightened? Did you feel that you would be happier under your own Government? Was there any propaganda on the radio or elsewhere from the Arab countries asking you to leave your homelands?"

The answers that we received told a tale which must be repeated again and again in every part of the world. These simple men and women were driven back, out of their homes, deliberately and planfully. They were not allowed to stay. Of course, they wanted to stay in their homes even though the invaders had come in and taken possession. They were peasants, deeply attached to their land. They would never wish to leave that precious land. But here they had no choice. They were herded together into the village squares and told to go back to what the Israeli conquerors described as the "Arab Desert."

In Khan Dannun refugee camp, not very far from Damascus, we were told the story of a man named Mohammad El Kudsi of village Al Khushneya. This Arab citizen, with

his wife, two teen-age daughters and two sons was sitting in his home when the Israeli soldiers entered. "Why are you still staying here?" they asked. Mohammad El Kudsi answered: "I am a civilian." The reply came quickly: "Civilian or no civilian, you have no place in this village."

And then came the agony. The invaders asked: "You have two sons and two daughters. Shall we take the sons or shall we take the daughters?"

El Kudsi asked for time. And he consulted together with his family. The boys said immediately that they would go: the girls must be saved from the invaders. The father came to the Israeli soldiers and said: "Take my sons." We could almost hear the heart-beat of the father as he made the terrible choice.

The Israeli soldiers took the two sons out and shot them outside their door. And then they returned. And they took the girls. Their screams could be heard for a long, long while.

This story is not an exception. It was merely one among many that we heard of the way in which the Israeli soldiers acted as they entered the villages. A certain type of brutalisation of the kind one has heard of in regard to the majority of American soldiers in Vietnam, seems to have gripped the souls of these young men. No wonder, it has been again and again said that the crimes that are being committed by the Israeli forces today are similar to those committed by the Nazi hordes in Europe.

But it is not only the stories of murder, cold-blooded and deliberate - not only the stories of rape and wanton destruction that we would like the world to know. It is something much more than that.

And this is what we heard from the lips of the refugees. It appeared, as we recovered the evidence, that in each village in Syria, which the Israeli soldiers captured, their instructions were to clear out the great majority of the Arab

citizens in one way or another. They shot some. The rest they drove out forcefully with all the cruelty, the barbaric torture which has brought on them the condemnation of decent people everywhere.

What was the aim of this plan? This is what we sought to ask ourselves. The answer came while we were in Syria itself. The Israeli Government announced with much fanfare that they were about to establish three new, modern villages in the areas occupied by them in Syria and Jordan. An invitation had gone out from the Israeli Government to half a million or a million more "new Israelis" to come and colonize these areas which had been "evacuated" by the Arabs. Here was the answer to the question we were asking ourselves. The Israeli ruling circles had a clear-cut plan before them - that of creating the "Greater Israel" of their dreams.

The refugees whom we met told us absolutely clearly that they did not leave their villages till they were actually driven out. I can list here below the names of scores of those whom we interviewed. And the running theme of the answers to the questions we asked - "Why did you leave your village?" - remained always the same in one form or the other: "We were ordered to go. We were driven out by force."

In camp Yaduda near Daraa, Omar Saleh of village Debouli told us why the people of his village left: "The Israelis entered and ordered everybody to leave the village at once. When there was a certain measure of hesitation, the invaders took two brothers, both named Tewfik, and shot them as an example for the others."

Zainab El Mustafa of the village El Botayeh told us that the Israeli soldiers, after entering her village, killed her brother and mother, her sister and the son of her sister, and her cousin. She had no alternative but to take her five children with her and come out of the village. The invaders kept shouting after them: "Go out! Go back to your Arab lands!" She said she was absolutely sure that, had they

stayed even a little longer, many more would have been killed. The invaders wanted possession of their village, and they did not want a single living Arab to remain inside.

The testimony is overwhelming. We have the recorded evidence of scores of peasants and workers, people from towns and villages who had met different bands of Israeli soldiers. But the common point of every single piece of evidence that we received was this: in all cases it was clear that the refugees had had to leave their homes forcibly, not because they were invited to come over by the Arab Governments nor because of any type of fear in the normal sense which they might have had of the invader. The greater part of those who had left their homes had done so after the cease-fire and after the arrival of the Israeli army in their villages. The large majority had wished to stay even after the invasion had taken place. But they were not allowed to stay.

This is a fact which must be made known to all the world, for it is this fact which can explain today the entire conduct of the Israeli Government which refuses to accept every reasonable proposal made to it to withdraw its forces to the positions that they held on 5 June.

Under one excuse or the other, the Israeli army remains, it remains not because of the reasons which it gives for remaining - that it wishes to assure itself against any future dangers. Not at all. The fact is that the Israeli ruling circles have cleared out certain territories as part of a diabolical scheme, prepared well in advance, to create new regions to be colonized by what they would like to call future Israeli citizens.

It is this which creates the great danger for the peace of the world. It is not merely a question of a temporary occupation by an invader. It is a question of an occupation by an invader, who had planned for many years to carry out an invasion and

to make this invasion permanent. This is the conclusion to which the delegation came from the evidence it was able to collect from refugees in both Syria and the United Arab Republic.

CE N'EST PAS LA GUERRE!

The visit of the delegation to the Suez Canal and to the cities of Suez and Ismailia was indeed a memorable chapter in the lives of all members of the delegation. Both cities had been subjected to constant and repeated bombardments. On September 27, only a few days before we visited these cities, the last bombardment had been carried out by the Israeli forces from across the Suez Canal. We saw evidence of the bombings of ordinary civilian homes, hospitals, schools, churches, mosques.

Could there be the slightest mistake in regard to the bombings? It sometimes happens that, while aiming at a military target, a civilian target is hit by mistake. Here there was no mistake - all the evidence we gathered showed that there had been a constant rain of bombs from across the shore, on targets which the Israeli forces knew full well to be civilian.

While we were going through the city of Ismailia, a man of considerable culture, who spoke both English and French fairly fluently, met us and asked us to visit his house. It was a beautiful house, I have no doubt, before the bombings. Our friend showed us a piece of the valuable furniture he had once possessed. It was now all matchwood. He was busy with his family trying to clear up the debris. There was a certain glint in his eyes, a glint of a kind of determination to carry on. I asked him: "Why don't you send your children away from here? It is so risky for them." And he answered: "My family has been here for many generations. We shall not leave." And I thought that once the debris was removed, here would rise another beautiful house with beautiful furniture.

As we were leaving, our friend looked up from his tasks and said: "C'est la guerre." What he meant to say was that we should not be sorry for him. It was something that was happening to everybody else, and he was part of that suffering of the nation.

But I said to him: "Ce n'est pas la guerre." This is not war. War is between armies, between soldiers. But here was non-stop bombardment of civilian towns without respite, months and months after the cease-fire. We saw the wounded in the hospitals, we saw the photographs of the hundreds who had died on 27 September, the hundred ordinary civilians, men, women and children, and I said: "Ce n'est pas la guerre." This is not war, this is deliberate, planned mass-murder.

Here we saw again the evidence of the bestiality and barbarism, which permeates today the Israeli army at the orders of the Israeli ruling circles, who in turn are acting with the encouragement and incitement of the imperialist powers. The Israeli forces are committing crime after crime against humanity.

In the hospital in Suez I saw a small child, a boy of two years and a half perhaps. He lay in his hospital bed crying rather softly. The doctor came and bent over him and pulled up the sheet. I saw that his hand had been amputated, and his intestines, which had come out of his belly, had been sewn up together inside once again. I cannot forget the hand that was lost. Why had the bombs fallen on 27 September, when there had been a cease-fire three and a half months earlier? The Israeli Government will explain that the fighting started from "the other side." But what excuse is there for the deliberate bombing of civilian towns like Suez and Ismailia?

From far away sometimes it is easy to talk of solutions and principled bases of solutions. But when one is there, faced with the victims of the war, all one wants to do is to see that as early as possible, the entire world begins to know how urgent it

is that the aggression is ended, that the armies that have occupied the homes of other people return to where they were before the aggression; that conditions are created that the people of Suez and Ismailia and all along the Suez Canal may live in peace and not be threatened every single hour with the prospect of the kind of bombardments which we witnessed.

Catholic nuns told us in a hospital in Suez of the terror to which the patients were subjected when the bombings went on hour after hour. They told us how they had just managed to take the patients a minute or two before the bombing began, into their shelters. I could see on their faces their belief that a miracle had happened and saved their patients from death. But there were so many who had died, there were so many who had been wounded. The bombs had come through the hospital roofs. Fortunately, the patients had been saved. But new patients come all the time. And every day there was fear of new attacks.

The government authorities told us that they planned to take away the children and the women, and those who were not necessary for the work of these areas. This was good, for it would mean the saving of lives. But the people would not easily agree to this plan. They hesitated to leave. They wished to remain in their own homes to defend their own soil.

Fear? Of course. But at the same time courage, determination, patriotism, humanity at its noblest and its greatest. This is what we saw in these two cities. And this is what we shall remember. Everybody went about his business as though they were not within a few hundred yards of the mortars, the artillery of the Israeli invaders. The children played. The mothers did not weep. They smiled at us, shook our hands as though everything were normal. They tried to create a spirit of confidence. This was the real spirit of the people of the Arab world, a spirit which it is difficult indeed to break.

NAPALM - SPECIAL BRAND

The evidence we had from doctors who had treated the victims of napalm in Syria was really of great interest. Dr. Maged El Asmeah, the Director General of the main hospital treating wounded soldiers, told us that about forty men burnt with napalm had been treated in the hospital. He described in great detail the kind of wounds they had. There had been a much higher mortality rate among the napalm victims than normal. Most of them had their livers and their kidneys damaged, and only few survived such damage. Every case seemed to have a greater extent of burning and a greater depth of burning than would be normally expected. In normal cases, as far as previous medical experience showed, it had been possible to save 50 to 75 per cent of those burnt with napalm. But here, in the cases of the napalm victims of the Israeli forces, it seemed that as many as 70 per cent or more of the victims were lost.

The reason for this was the presence of toxicity. The napalm appeared to be mixed with certain poisonous materials which made both the extent and the depth of the burning greater and made the wounds poisonous.

In Cairo we met Dr. Riziv at the club of the Medical Workers' Association. Dr. Riziv was in the Ismailia hospital during the aggression as a specialist in anaesthesia. He had treated a number of victims of napalm. His evidence was also that the burns that he saw had never been seen before in civilian life and were of a nature which is not at all normal in napalm burns. He thinks that there was a destruction of the organs as a result of the burning by these napalm bombs. It appeared to be clear that these bombs had in them certain poisonous substances.

THE BURNING SAND

Our delegation was also shocked to hear from the doctors, the story of thousands

of Egyptian soldiers who had been left to die in the desert. Dr. Ala Ilwani, a young doctor who had just started his practice a year ago, told us in great detail the story of these soldiers. It seemed that the Israeli army, after capturing these soldiers, would let them loose in the desert. An act of "clemency", an act of "mercy"? The fact was that in all cases, they took away not only their arms and their money and their watches and anything else of value, but they also took away their shoes. The desert is hot, and in the sun the sand is like fire. Barefoot, in the burning sands. No torture invented could really be much worse than this. It was a torture to which the Israeli army subjected not just one man, not two, but thousands.

The doctors told us of soldiers dying of thirst in this blazing desert. The Israeli transports would pass by. The Egyptian soldiers would beg for water. Not one drop. In many cases helicopters would come down into the desert, find these unarmed and dying soldiers and shoot them. The International Red Cross was not permitted to come to the aid of these soldiers for days, so that it was only after thousands had literally died a painful and horrible death that the International Red Cross was able to come and rescue some of them.

"Oh yes," said Dr. Ala Ilwani to us, "it was all right when the cameras of foreign correspondents and television men were there to take down evidence. Then the Israeli soldiers would hand out water and food and cigarettes. But the moment the cameras were turned, back it was to the old torture, to the slow death to which the Egyptian soldiers were condemned in such large numbers."

In both Syria and the United Arab Republic, we heard of the manner in which ambulances, with the Red Crescent mark distinctly visible on them, had been attacked deliberately by Israeli aeroplanes. In both countries, the doctors told us that eventually they had to give orders that the Red Crescent mark should be removed from

ambulances and hospitals, for it seemed as though these Red Crescent marks were the special targets of the Israeli armed forces. We heard the story of doctors being killed deliberately when it was quite clear that they were attached to medical units. All this is against every international law which exists and against humanity itself.

BRUTALITY AT ITS ZENITH

Yet another indication of the kind of brutality which seemed to have gripped the Israeli armed forces was related to us in Cairo by Dr. Rauf Nazmi who had been in Ismailia on the Suez Canal during the aggression. After the cease-fire, Dr. Nazmi had been sent on 9 June to East Kantara which had already been taken by the Israeli forces. Their purpose was to receive the wounded in this place and to transport them across the Canal to Ismailia and to other places. They came across scenes which they never imagined could be possible. The Israeli occupation forces had prevented civilians from leaving their homes, and in these homes, the drinking water had run out. Women and children were crying for water, and yet no water was given to them.

Another shocking problem arose from the fact that the Israeli occupation army refused to allow the people to bury their dead. Dead bodies were lying about in the streets, in the homes, and the smell from these bodies was almost unbearable. This was a deliberate, planned scheme to create a sense of horror and a sense of terror among the people. But it was also a sign of the complete depth of depravity and barbarism to which the occupation army had sunk. One could feel almost the sufferings of the people, as they were described to us by the group of doctors who had gone through so much themselves, who had seen their own colleagues shot dead before their eyes and had done their best to alleviate some of the sufferings of the people.

Dr. Nazmi said: "I had expected that I would have to treat soldiers of the Egyptian

army. But what I had to treat all the time were ordinary civilians and the greater part of them were women, children and old men. This was something that I had never believed I would have to do as a medical doctor in time of war."

39. Report by Senator Mario Palermo of the Italian Peace Committee¹

October 1967

The situation in Syria, the UAR and Jordan is extremely grave and dramatic for the following reasons:

- because of the occupation of vast territories of these countries by Israel following the aggression;
- because of the one and a half million refugees who were forced to leave their countries and their homes;
- because of the devastation caused by the war, in the course of which every means of destruction were employed, including napalm, the use of which against the civilian population is banned by international agreements;
- and finally because of the terror bombing attacks carried out by Israel after the UNO cease-fire, as for example those of 4 and 27 September against Suez and Ismailia.

As we always stated in the numerous interviews we had with leading personalities and members of governments, we did not visit these countries as judges, in order to condemn or condone; we went there to see, to listen and to find out about the disastrous consequences of this war, and then to inform public opinion in the world.

During our trip we visited many towns, hospitals, refugee camps. We were received by the Prime Minister of Syria and by other ministers, and we spoke to many refugees, writers and journalists, trade union leaders and representatives of peasant organisations, diplomats, the Vice President of the International Red Cross, a representative

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Mario Palermo, "What I Saw . . .," *The Truth About the War in the Middle East: Reports by Members of the Delegation of the World Council of Peace to Syria, the U.A.R. and Jordan* (Vienna: World Council of Peace, n.d.), pp. 14-16.

of the Baath Party in Damascus, representatives of the Syrian women's organisations and many others. We came to the conclusion that they are all inspired by one single aim: to safeguard peace, not a peace based on compromise and ambiguity, but a peace based on justice, through the United Nations Organisations.

I am in fact convinced that this is above all a question of justice, and that it is necessary to face reality if we want to contribute to the peaceful solution of this problem.

And the reality is that the State of Israel exists, and that this existence must be safeguarded and guaranteed. How is this to be done? By war, napalm bombs, mass bombing attacks against towns, hospitals, churches, houses, industrial plants, the destruction of entire villages, the expulsion of Arabs from the occupied territories?

Certainly not. I am convinced that even those who today call themselves friends of Israel cannot favour such a solution. By such means one can win a war, but one can never conquer peace.

I brought back from my trip impressive photographic documentation which I have handed over to the Italian Peace Committee.

The bombing attacks of 4 and 27 September - the last of these took place a few days before our arrival in Suez and Ismailia - were of unparalleled intensity: towns without people, piles of debris from gutted houses, churches and mosques, destroyed schools and bombed hospitals and, in the midst of all this desolation, poor people were trying to salvage a piece of furniture or some other belonging from the debris of their former homes.

In Suez we talked to Sister Geneviève of the Order of the Good Shepherd, who was working in the city hospital for many years and who accompanied us through the devastated areas, describing the double attack of 27 September. She spoke to us of

the terror of the victims who had been trapped and dug out in the interval after the first attack in the morning, which was halted following the intervention of UN representatives but suddenly recommenced with extreme violence in the afternoon.

The most striking phenomenon is the indiscrimination of the bombing. We saw hospitals that had been hit although their roofs were clearly marked with the symbol of the Red Cross.

Even the living quarters of the UN representatives bore the marks of the bombing.

During our trip we visited many refugee camps. We talked to numbers of refugees, all of whom told us they had been forced to leave their villages and homes on account of the terror - including psychological terror - spread by the Israeli armed forces. As the Jordanian Minister of Economy rightly said, the problem of the refugees is not only a social and political question, but also a question of peace. Many of the refugees had already been obliged to leave their country in 1948 and, unfortunately, did not become actively integrated in the economic life of the country since they were always waiting to return to their homes.

We went to the Hussain Bridge in Jordan which had been hit during the war and not rebuilt owing to Israeli opposition. There we watched the trek of numerous Arabs, who had left Cisjordan in order to reach Jordan territory, under the unfeeling gaze of four Israeli soldiers. They were poor people who carried very few belongings with them, usually just a mattress or two. Their faces showed signs of strain and terror.

We asked some of them why they had left their homes, although the war was over (this was Monday, 9 October 1967). They replied that life in the occupied zones was impossible: shortage of food, unemployment and, worse of all, they were terrorised and driven by the Israelis to leave their homes.

Most of these refugees live in special camps, in tents, under truly deplorable conditions. In one camp of 14,000 refugees, we spoke at some length to the doctor in

charge, who described the unhygienic conditions under which these unfortunate people are obliged to live. The water is polluted and many of the inhabitants suffer from trachoma as a consequence of the wind and sand.

The problem will become more acute with the approaching cold season because some of the camps will have to be moved from the hills to the valleys and other places as they are equipped with very light tents that cannot withstand the rigours of winter.

Other refugees, as for example in Syria, live in schools, which means that schooling cannot continue. This creates another problem, that of the large portion of youth of school age who cannot continue their education.

All this makes it essential that world public opinion be informed about this tragedy that has struck the Arabs. Many people in the world remember, quite justifiably, the tragedy of the Jews during World War II. But this memory must not be allowed to obscure reality and truth. The Arab peoples are not responsible for the sufferings of the Jews. The Arab peoples, as history proves, have never been racialists and have always lived in peace with other peoples. As proof of this let me cite the following fact: in Damascus, in the Deomaid mosque, one of the most beautiful in the world, the tomb of John the Baptist is to be found .

We have to be able to distinguish between Jews and the State of Israel. There is a great difference between the two, all the more so when this State is expansionist to the detriment of the Arabs. Furthermore, the attempt a few days ago on the life of the Secretary of the Communist Party of Israel is an indication of the political climate in Israel.

Sincere friends of Israel cannot agree with her policy of expansion and aggression. Israel must return to her frontiers and leave the occupied territories.

This is not only in her own interest, but above all the interest of peace.

It is inconceivable that today such a grave precedent be created, i.e. that the outcome of a war be rewarded.

In conclusion I would like to stress that I feel every effort must be made to spread the truth and to bring about an end to the suffering of so many unfortunate people.

In all the refugee camps we met the same appeal: Help us to go back to our homes!

That, I believe, should be one of the foremost tasks of the World Council of Peace.

VII

INTERNATIONAL CONFERENCE OF PARLIAMENTARIANS
ON THE MIDDLE EAST

40. Report of the Committee on International Law and Human Rights¹

February 1970

The Committee on International Law and Human Rights of the International Parliamentarians Conference on the Middle East Crisis held four meetings on Tuesday and Wednesday, 3 and 4 February 1970, under the Chairmanship of Mr. Lelio Basso, Member of the Italian Delegation and the attendance of Mr. Matti Kekkonen, member of the Finnish delegation, as the Rapporteur of the Committee.

The Committee examined the reports submitted on the questions related to International Law and Human Rights, listed on the Conference's Agenda, namely:

- 6) The legitimacy of Palestinian political and armed resistance, and the Palestinian People's right to self-determination.
- 7) The Israeli occupation régime in Arab territories occupied since June 5, 1967.
- 8) The necessity of implementing the resolutions of the General Assembly and Security Council concerning:
 - The liquidation of the consequences of the war of June 5, 1967;
 - The Palestinian People's rights;

¹ International Conference of Parliamentarians on the Middle East Crisis, *International Conference of Parliamentarians on the Middle East Crisis: Documents*. Cairo, 1970, pp. 83-94.

The following states were represented by Parliamentarians participating in the conference: Afghanistan, Belgium, Brazil, Bulgaria, Burundi, Cambodia, Canada, Ceylon, Chile, Colombia, Congo-Brazzaville, Cyprus, Czechoslovakia, Ethiopia, Finland, France, Gambia, Germany (Democratic Republic of), Ghana, Guinea (Republic of), Hungary, India, Indonesia, Italy, Japan, Jordan, Kenya, Korea (Democratic People's Republic of), Kuwait, Lebanon, Liberia, Malaysia, Mauritania, Mauritius Islands, Mongolia (Popular Republic of), Morocco (Kingdom of), Netherlands, Palestine Liberation Organisation, Poland, Roumania, Senegal, Sierra-Leone, Singapore, Spain, Sudan, Sweden, Switzerland, Tanzania (United Republic of), Tunisia, Turkey, United Arab Republic, U.S.S.R., Venezuela, Viet-nam (Democratic Republic of), Yemen, Yugoslavia (Social Federal Republic of).

- The illegitimacy of aggression and annexation of territories by force.
- 9) The necessity of implementing the United Nations resolutions on Jerusalem.
- 10) The necessity of implementing the United Nations resolutions on the refugees.
- 11) The policy of the State of Israel in the light of international law and the Universal Declaration of Human Rights.

Deliberations began with the examination of item number 10 on the Conference's Agenda, dealing with the necessity of implementing the United Nations resolutions concerning the refugees.

The following points emerged from the discussion:

FIRST: The Palestinians described as "refugees" did not leave their homes voluntarily; nor did they renounce their right to return to their country at any time since 1948. The fact, as borne out by documentation and the statements of the Israelis themselves, those who sympathise with them and neutrals alike, is that they were forced to leave their homes as a result of systematic, planned terrorism in many forms, including the perpetration of massacres and using all means of repression and collective killing. Nevertheless, the Palestinian people remained in the form of groupings staying on what was left to them of their occupied land, or in refugee camps; thus proving the reality of existence as a people, and their real aim which is to claim back their homeland.

SECOND: The United Nations adopted a succession of resolutions since 1948, asserting the right of the Palestinian people to repatriation to their country - a claim which they have never abandoned, and thought it could be fulfilled by means of the United Nations which had endorsed it.

THIRD: Thus, the majority of members agreed on the necessity of implementing the U.N. resolutions and asserting the Palestinian people's right to repatriation and self-determination. This was after a member of the Netherlands delegation expressed a different view, contending that the repatriation of half-a-million Palestinian refugees to a small country such as Israel cannot be realised except through drawing up a specific plan which can be practically implemented. The same delegate also voiced his doubts as to the correctness of the information given concerning the perpetration of acts of terrorism by the Zionists in Israel; stating that he wished the other side was also present in the Conference. However, the Committee arrived at the view mentioned above, after the discussions which indicated that the Israeli leaders aim at ensuring the immigration of all Jews in the world to Palestine, though their number is several times that of the Palestinian people who had been driven away from their country. The committee members have also laid down the facts and statistics proving this, as recorded in the United Nations documents, as well as the statements made by the Israeli leaders themselves to this effect.

As to the point raised by the delegate from the Netherlands about the participation of the other side in the Conference, all members present noted that the United Nations resolutions in this connection, the implementation of which was subject of the debate, have all been adopted in the presence of the other side and after hearing his statements thereon. It was further noted that the member present demanded nothing but the implementation of these resolutions.

At this point, some observers from among the Netherlands delegation presented proposals requesting the recognition of the establishment of the Palestinian homeland and the legitimacy of the Palestinian resistance which has risen to defend its right, and condemns political Zionism as being incompatible with human rights while respecting

religious zionism as a religion of Judaism.

They also requested the adoption of the desire declared by the Palestinian people for the establishment of the Democratic State of Palestine, embracing the Moslems, Christians and Jews without distinction or discrimination on the grounds of race, language or religion.

The committee moved on then to the discussion of item (6) on the agenda concerning the legitimacy of the Palestinian Resistance the Palestinian People's right to self-determination.

The great majority of the committee members were for supporting the Palestinian People's right to struggle for the restoration of all their rights, since these rights were indeed based on recognised principles of international law, as well as being acknowledged by the international community which invariably endorses peoples' right of resistance for the sake of their national rights, as was the case in Europe under the occupation during World War II, and as it is the case now in Asia and Africa.

The Committee concluded that there can be no solution of the Middle East problem except with the return of the Palestinian People to their land.

The Committee moved on to the discussion of item (9) on the agenda concerning the necessity of implementing United Nations resolutions related to Jerusalem.

Members present unanimously condemned Israel for her refusal to implement the United Nations Resolution of July 1967 on Jerusalem which prohibited any change in its "Status quo ante" prior to the June aggression 1967.

Having affirmed the importance of the perceptions which Jerusalem represents and which are held so keenly by international conscience that they cannot be allowed to be tampered with; the members present condemned the measures taken by Israel in

Jerusalem which constitute a flagrant violation of international law and custom.

The Committee went on to debate items (7), (8) and (11) on the agenda concerning the Israeli occupation regime in the territories occupied since June 1967, and the necessity of implementing the United Nations and the Security Council's resolutions concerning the liquidation of the consequences of the June 1967 war; as well as those resolutions which deal with the rights of the Palestinian people, the illegitimacy of aggression and the annexation of lands by force, and those concerning the policy of the State of Israel in relation to the international law and the Universal Declaration of Human Rights, that policy which was responsible for the occupation of parts of the lands of three Arab countries, members of the United Nations, in violation of the United Nations Charter which prohibits the seizure of the territories of other countries by force.

The members present demanded the immediate and unconditional withdrawal of Israel from all Arab territories occupied since June 5, 1967.

Members present also condemned the measures taken by the government of Israel in the occupied territories, be they the destruction of houses, the expulsion of inhabitants, changing the administrative systems therein, attempting to annex them by force, the practice of imposing collective punishments or such other forms of violation of International Law, the Hague Convention of 1907, the Geneva Convention of 1949 and the Universal Declaration of Human Rights.

The Soviet delegation presented a report including the condemnation of aggression and of the measures and practices adopted by Israel during the aggression, and which she continued to adopt even after the aggression, and stressing the necessity of implementing the Security Council's resolution providing for Israel's withdrawal from all the occupied territories.

A member of the Netherland delegation raised the question of negotiation with

Israel, stating that peaceful means, including negotiations, are the best way for the achievement of peace in the Middle East.

The members present refuted his view on the grounds that Israel is using her call for negotiations, while continuing to occupy the Arab lands as a means of imposing her conditions, implying a surrender which the Arab people reject. Moreover, the Israeli leaders have constantly and repeatedly declared that Jerusalem and the Golan heights cannot be open for negotiation; and they made similar declarations concerning the Western Bank, Gaza and the Egyptian region of Sharm El Sheikh - all of which reveal that Israel does not really want negotiations, but actually wants to impose her will on the Arab nation so that it may yield to her.

Moreover, the experiences which the Arabs went through since 1948 until now do not encourage them at all to negotiate with Israel because she only wants to use negotiations to give a semblance of legitimacy to the "fait accompli" which she has imposed by force and usurpation, and in contradiction with the provisions of international law.

These experiences have also proved that Israel does not fulfil its obligations or respect its signature, as she did in connection with the Lausanne Protocol concerning the refugees and her repudiation of the armistice agreements concluded between her and the Arab countries in 1949, and her declaration that these agreements are "dead and buried."

Delegates present adopted the view of late humanitarian Champion Bertrand Russell on this point, which was put forth in his message to the Conference, and which read:

The development of the crisis in the Middle East is both dangerous and instructive. For over twenty years Israel has expanded by force or arms. After every stage in this expansion Israel has appealed to

"reason" and has suggested "negotiations." This is the traditional role of the imperial power, because it wishes to consolidate with the least difficulty what it has taken already by violence. Every new conquest becomes the new basis of the proposed negotiation from strength, which ignores the injustice of the previous aggression. The aggression committed by Israel must be condemned, not only because no State has the right to annex foreign territory, but because every expansion is also an experiment to discover how much more aggression the world will tolerate.

Having concluded their discussion of the Agenda, the delegates present were of the opinion that the attainment of peace in the Middle East could be secured only through the withdrawal of Israel from all occupied territories, the repatriation of the Palestinian people, and the assertion of their right to self-determination.

To achieve these ends, the Committee was of the opinion that it is necessary:

FIRST: To implement the U.N. resolutions on the return of the Palestinian people to their country and their right to self-determination.

SECOND: To confirm the legitimacy of the Palestinian resistance, since aggression against peoples, the occupation and continued occupation of their territories, as well as the transformation of this occupation into an annexation of territories, inevitably leads to resistance movements whose legitimacy is indisputable.

THIRD: To condemn the Israeli aggression of June 1967, and holding it necessary to implement the U.N. General Assembly and Security Council resolutions on the liquidation of the consequences of the June 5, 1967 aggression, through the immediate and unconditional withdrawal of the Israeli forces from all territories which they had occupied.

FOURTH: To condemn all measures taken, or being taken, by the Israeli government in the occupied territories in general, and in Jerusalem in particular, and to hold it necessary to implement the U.N. General Assembly and the Security Council resolutions on Jerusalem.

FIFTH: To condemn all measures taken by the Israeli government against the Arab citizens in the occupied territories, to abide by the recommendations of the International Red Cross and the Human Rights Commission in this respect, as well as to respect the principles of the Universal Declaration of Human Rights, the Hague Agreement of 1907 and the Geneva Conventions of 1949 on the treatment of civilians in occupied territories.

The Committee approved this report at its meeting held on the morning of Thursday, February 5, 1970.

VIII

ISRAEL LEAGUE FOR HUMAN AND CIVIL RIGHTS

41. Memorandum to the United Nations Special Committee To Investigate
Israeli Practices Affecting Human Rights in the Occupied Territories¹

June 8, 1970

To: The United Nations Commission on the Israeli practices in the occupied
territories, NY, USA

and

The International League for the Rights of Man, NY, USA

From: The Israel League for Human and Civil Rights POB 20178 Tel-Aviv
affiliated to the International League for the Rights of Man, N.Y., USA.

In its special meeting on 8/6/1970 the Executive of the Israel League for Human and Civil Rights decided to appoint Mr. Joseph Abileah to testify before the U.N. Commission on the Israeli practices in the occupied territories. The attached memorandum drafted by the chairman Dr. Israel Shahak and the vice-chairman Mr. Uriel Davis was authorized by the Executive to be presented by Executive Member J. Abileah, who will answer further questions concerning this memorandum.

(Signed): Dr. Israel SHAHAK
Chairman

Mr. Uriel DAVIS
Vice-Chairman

¹

United Nations, General Assembly, Twenty-fifth Session, October 26, 1970, Report of the Special Committee To Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, A/8089, Annex VI, pp. 1-16.

INTRODUCTION

We would like to make a personal note. We, the regular readers of the Israeli press somehow got accustomed to reading titles such as: "Three Houses Blown-up in Hebron," "Twelve Hour Curfew on Gaza Will Continue for Several More Days," "A Man Killed in Nablus during Curfew Hours," etc.

We are so accustomed that we hardly notice the news; since our mind is finite we do not, and cannot, continually register the sum total. It became a daily characteristic of our life in Israel and of the situation in the occupied territories, to the extent that it is barely noticeable.

When we sat over our files and ran over our clippings we were alarmed. Even we, who are acutely conscious of the Israeli over-all and daily policy and of the day-by-day violation of human rights in Israel and the occupied territories, were shocked at the alarming figures. Who would have thought that 7,554 houses were blown up and/or razed by 15/11/1969 in the occupied territories?

We are submitting this memorandum for international publication in the profoundest belief that by so doing we are serving our people and the cause of peace in the best possible way; we hope that this will be a significant contribution to the local and international efforts of solving the Middle Eastern conflict on the basis of securing all and every individual and national human rights of all parties concerned.

POLITICAL OPPRESSION

The conspicuous feature of the Israeli occupation régime (like every other occupation) is the denial of all rights of political expression and organization.

All organization, including Mutual Aid Organizations, Pupil Councils, etc., is forbidden. The Muslim Religious (Sharia) Courts have lost their legal legitimation and right of operation, labour union officials are systematically arrested or expelled. In other words the freedom, complete freedom of expression and organization provided by the Bill of Human Rights (freedom of political organization, demonstrations, assemblies and every other form of political non-violent activity) is totally denied to the Palestinians under the Israeli occupation.

(1) *Zot ha-Derech*, 15/1/1969, people selling the Israeli bi-weekly *al-Ittihad* (legal in Israel) in the West Bank were sentenced to various prison terms.

(2) *Ibid.*, 21/5/1969, five high school teachers were sentenced to 4-5 months imprisonment for belonging to "illegal organization." Their lawyer, F. Langer, has read before the court the constitution of this association, which defined the objectives of the association as: mutual help for secondary school students, co-operation with international student organizations and contribution to the cause of peace.

(3) *Ibid.*, 4/1/1970, high school students in Jericho are administratively imprisoned for the constitution of a pupil mutual help organization.

(4) *Ha-Aretz*, 7/6/1970, after a non-violent strike held in Ramallah and al-Bira the military governor of the Ramallah area announced to the notables of the two cities that he has cancelled all permits of Ramallah and al-Bira merchants to import sheep from the East Bank and will not allow the Ramallah Emigrants in USA Association to pass over to the Ramallah Municipality the \$100,000 donation collected abroad.

LABOUR EXPLOITATION

Many thousands of Palestinian labourers from the occupied territories are employed in Israel. The Palestinian worker does not receive the same payment for the same work as his Israeli counterpart; as a matter of fact they are not receiving payment from

their employers at all. The employer pays the Israeli Government which deducts about 40 per cent and pays the rest to the Palestinian labourer. These deducted sums are being accumulated in a special fund in the name of the State of Israel and have reached in May 1970 IL50,000,000. It should be noted that the official legitimization of the deduction is claimed to be social welfare, organization and travel tax, while the Palestinian labourers from the occupied territories are denied by legislation all social welfare rights such as health insurance, pension, etc. During the last half year the transportation of Palestinian labourers from the Gaza Strip to Israel has become increasingly difficult; some factories in Israel have, therefore, established closed camps in the factory area for male and female Palestinian labourers from the occupied territories, where they live in tents and huts.

(1) *Ha-Aretz*, 1/8/1969, "Manpower engineers contemptuously wave away Minister P. Sapir's statement that we are turning the Arabs into hewers of wood and drawers of water of the state. It is clear, they say, that someone has to execute this sort of labour even in the most technologically developed country."

(2) *Ibid.*, 4/8/1969, Jewish labourers used to receive IL 85 for harvesting one ton of sugarbeet. Palestinian workers from the occupied territories receive now IL 22-24 for harvesting 3.5 tons of sugarbeet.

(3) *Ha-Aretz*, 8/8/1969, according to official statements from November 1968 to March 1969, 16,500 labourers from the occupied territories worked in Israel. They were paid (gross) in this period IL 2,760,000 from which IL1,180,000 was deducted - i.e. about 40 per cent.

(4) *Maariv*, 17/12/1969, out of IL18 which is the daily pay of an Israeli agricultural labourer, IL6-8 are deducted by the Government Employment Services, so that an agricultural labourer from the occupied territories gets IL12-10 (if he

works in Israel). It is forbidden that the employer pays him directly. All payment should - by legislation - be done via the Government or the military agencies.

(5) *Yediot Aharonot*, 20/1/1970, about a half of agricultural labourers in Ashkelon area and workers in food industry in the same area are labourers from the Gaza Strip. In some citrus orchards in the area the percentage of Gaza Strip labourers is as high as 70 per cent.

(6) *Voice of Israel*, 6/4, 13.00 and *Ha-Aretz*, 30/4/1970, report that several factories in Ashkelon area constructed close tent and hut camps in the factory areas where the Palestinian labourers from the occupied territories, and especially from the Gaza Strip live for long periods.

(7) *Ha-Aretz*, 13/5/1970, the General Labour Union of Israeli Workers demanded from the Israeli Treasury one per cent of the total deductions from the occupied-territories-labourers-payments. The sum demanded is IL500,000 (that is to say that approximately IL50,000,000 deducted from salaries of labourers from the occupied territories are held by the Israeli Treasury).

THE PRINCIPLE OF COLLECTIVE PUNISHMENTS

Ever since the beginning of the Israeli occupation in 1967 collective punishment was a principle of wide application. Various instances of this you will find in the chapters of this memorandum, e.g.: blowing up houses, taking of hostages, expulsion of Palestinian leaders' and notables, curfews, etc. The man personally responsible for the Israeli policies in the occupied territories is Defence Minister Moshe Dayan. It might be revealing to quote his reply to MP Uri Avneri's query about the blowing up of the house where Mrs. Aida Isa Saad lived (in Gaza), although the house was not owned by her, nor by her parents; they only rented a dwelling there. The house was blown up on 20/3/1969 (*Zot Ha-Derech*, 14/5/1969). Mr. M. Dayan asserted that the military

authorities indeed blew up the house. When asked again by MP Avneri: "Is the Ministry of Defence acting in such cases according to the principles of collective responsibility of the whole family for one of its members?" Minister M. Dayan answered: "Yes."

BLOWING UP OF HOUSES

We are herewith submitting the report of a most distinguished man of science of international renown, a Palestinian Arab who has lived under the Israeli occupation ever since 1967. His name is registered with us, and will be submitted in confidence to the U.N. Committee on the practices of the Israeli authorities in the occupied territories by our representative at his testimony on 10 June. This report covers the period ending on 15 November 1969.

The blowing up of houses is a continual practice in the occupied territories; cases occurring after the above date are mentioned in our first memorandum to the U.N. Committee dated 20 April 1970.

STATEMENT OF ARAB HOUSES AND DWELLINGS DEMOLISHED BY THE ISRAELI MILITARY IN THE OCCUPIED AREAS
FROM 11 JUNE 1967 TO 15 NOVEMBER 1969 - AFTER CEASE-FIRE

Location (Area)	1st Inquiry Date 11 June 1967 to 5 April 1968	2nd Inquiry Date 5 April 1968 to 10 September 1969	3rd Inquiry Date 10 September 1969 to 15 November 1969	Remarks (*)
Jerusalem (Old City)	145	290	342	Please read the name of the owner on Schedule 1 of the attached. The 1st figure is my estimate - the corrected figures were from tax rolls submitted by Muktars and village leaders of the totally demolished villages.
Latroun	1,830	2,500	2,500	
Inwas				
Beit Nuba				
Yalu				
Samaria	2,635	3,703	3,719	The 1st figure is from a furnished list. Later other villages in the area were brought to my attention. They are shown in 2nd and 3rd dates. See attached.
Nablus-Jenin				
Tulkarm-Tubas				
Qalqilya-Jiftlik, etc.				
Hebron	399	427	519	The destruction of 87 houses in Halhoul was brought to my attention the 1st week of November 1969. See attached.
Jebel Khalil-Hebron				
Beit Awa and Mersim				
Halhoul				
Gaza-Saini	280	322	352	1st figure was from the London Times 23 March 1968. Later I was furnished with a completed list by reliable source supplying number and names of owners. See attached schedules.
Gaza-Khan Yunis				
Deir Al-Balah-Rafah				
Ramallah-Bireh and surrounding villages	33	36	44	See attached schedule.
Bethlehem surrounding villages and refugee camps	45	77	78	See attached schedule.
Totals	5,367	7,355	7,554	

The last figure total of 7,554 does not include any houses in the occupied Golan Heights, because of lack of verification. However, the *Jerusalem Post* printed the following article in the issue of 5 October 1969: "United Nations (Reuter) "Syria said last week that Israel demolished at least 17 villages in the occupied Golan Heights within a 10 month period ending in July. It said the Israeli police aimed at eviction of all 115,000 Syrian inhabitants from the area. In a letter to United Nations Secretary-General U Thant, Syrian Ambassador George Tomeh said the Israeli acts showed Israel's determination to erase in the most barbaric fashion all traces of Arab life and property in the occupied territories." Four known villages are: Abizetun, Tell Eseqi, Errazaniye and Khan el-Joukhadar. *Jerusalem Post* 13/4/1969.

(*) The schedules and other specifications can be obtained with the author.

ADMINISTRATIVE DETENTIONS, EXPULSIONS AND TORTURE

Today there are by official sources 1,000 administrative detainees from the occupied territories in Israeli gaols. This number does not include the numerous prisoners who have been charged, but not brought to court. Many of this second category are kept for long periods in gaol - but rather than brought before court, they are often simply released. Many of them agree to emigrate, or as it is officially put "agree to be expelled."

Almost all convictions in the Israeli military courts in the occupied territories are based on confessions by the accused. In very many cases the prisoners deny their confession in court and complain of being coerced to confess under torture. They describe exactly the various methods of torture applied on them, sometimes even point out their torturers in the court room and offer to be submitted to medical investigation to support and prove their complaint of torture under interrogation. In all cases there was no official judicial investigation of these complaints. Even in cases where an obviously incapacitated man with physical marks of torture appears before the court, the court or The Appeal Commission refuses investigation into the matter.

During the last months the situation worsened; now military courts refuse even to hear preliminary claims and complaints of torture, unless the accused presents to the court the full name of his torturers (this should be quite difficult, since torturers do not usually introduce themselves). It was also decided (*Zot Haderech*, 22/4/1970) that military courts will not investigate into the behaviour and conduct of interrogators during interrogation, "noting the importance and vitality of their security responsibilities in this area, it is the duty of the

court to avoid disturbing them in their task" (from the proceedings of the Ramallah court, *ibid.*).

We are referring all interested individuals and organizations to the lawyers: Mrs. F. Langer, Koresh St. No. 14, Jerusalem; Mr. Ali Rafi', *ibid.*; Mr. Hanna Nakara, al-Khuri St. No. 23, Haifa and Mr. Sabri Jaris, Eliyahu ha-Navi St. No. 1, Haifa, for further information on the subject. The situation in our opinion is very grave and becomes continually worse. We would like to recommend in this forum constitution of an international commission of investigation, composed of judges from countries not hostile to Israel, which will investigate these allegations of torture, which in our opinion are well substantiated. We would like to bring to your attention that Amnesty International's recommendation of investigations to be carried out by Israeli judges was refused by the Government of Israel.

EXPULSIONS¹

(1) *Maariv*, 6/9/1968, reported that four Palestinians were expelled to Jordan.

(2) *Yediot Aharonot*, 25/10/1968, reported that four Palestinian notables were expelled to Jordan, amongst which were a doctor, a pediatricist and the Vice-Mayor of Nablus.

(3) *Maariv*, 30/10/1968, reported that ten Palestinian notables expelled to Jordan included the Chairman of the teachers' association of the West Bank, the Chairman of the Red Crescent, three teachers and an education inspector.

(4) *Yediot Aharonot*, 25/11/1968, reports: eight Palestinians expelled to Jordan, mostly teachers, including two women. The expulsion was carried out after a quarter of an hour notice.

¹ This is a selection referring only to the period Sept. 1968-March 1970. In many cases expulsion is referred to in the Israeli press as "permission to pass over to the Eastern bank of the Jordan."

(5) *Ha-Aretz*, 15/13/1968, reports: an ex-police sergeant was expelled with all his family.

(6) *Maariv*, 10/2/1969, reports: seven youngsters expelled to Jordan.

(7) *Ha-Aretz*, 28/4/1969, reports: two women - a secretary of the women's association in Nablus and her daughter - expelled.

(8) *Ha-Aretz*, 7/5/1969, reports: Doctor Faysal Kanaan, a dentist from Nablus, expelled to Jordan.

(9) *Ha-Aretz*, 21/5/1969, reports: a whole Bedouin tribe expelled from the Jordan valley.

(10) *Maariv*, 8/6/1969, reports: nine notables including teachers, a labour leader, the engineer of the town of Nablus - expelled to Jordan. They were not permitted to see their families before expulsion.

(11) *Maariv*, 3/7/1969, reports: three Palestinian notables exiled for three months: a doctor and two lawyers.

(12) *Ha-Aretz*, 9/3/1969, reports: seven Palestinians from the Gaza Strip expelled to Jordan.

(13) *Ha-Aretz*, 31/3/1969, reports: "The priest Elias Khuri has agreed to sign a request for expulsion to Jordan."

(14) *Ha-Aretz*, 17/9/1969, reports: an education inspector and an apothecary expelled to Jordan.

(15) *Ha-Aretz*, 17/4/1969, reports: Dr. Muammar from Beit Hanina (near Jerusalem) expelled to Jordan.

(16) *Maariv*, 16/9/1969, reports: two Palestinian notables from Hebron expelled to Jordan.

(17) *Maariv*, 24/4/1969, reports: five of the chief educators of the West Bank expelled to Jordan.

(18) *Ha-Aretz*, 7/10/1969, reports: Nadim al-Zaru, the mayor of Ramallah, and nine notables expelled to Jordan.

(19) *Ha-Aretz*, 24/10/1969, reports: a student expelled to Jordan.

(20) *Maariv*, 4/11/1969, reports: three mukhtars of the Taamara tribe expelled to Jordan.

(21) *Ha-Aretz*, 17/12/1969, reports: six Palestinian notables from Gaza exiled to the Sinai desert for an unlimited period.

(22) *Maariv*, 19/3/1970, reports: five Palestinians expelled to Jordan.

We would like to draw your attention to a petition submitted to the occupation authorities by twenty-four Palestinian notables in protest of the expulsions of several Palestinian leaders, i.e. Lawyer Antun Abdallah from Jerusalem, Ibrahim Dakar and Kamal Nasir from Ramallah and Sheikh Abdallah Hamid al-Saih, the Mufti of Jerusalem (reported in *Zot ha-Derech*, 10/1/1968). It said: "This method is against international rules and the fundamental rights of an inhabitant to live on his land and in his house . Shamefully, the occupation authorities declared openly that the expulsions are punishments for non-collaboration. It is well known that it is the fundamental right of every individual under occupation régime not to collaborate with the conqueror so long as he does nothing to endanger the security of the ruling or the ruled."

KILLING DURING CURFEW¹

(1) *Zot ha-Derech*, 4/12/1968, three killed and six wounded in Gaza from the firing of the army into the crowd.

(2) *Ha-Aretz*, 1/1/1969, a boy and a woman killed in Hebron. The official explanation: refused to stop when demanded to do so.

¹ A selection covering only the period December 1968-April 1970.

- (3) *Ibid.*, 21/1/1969, army fires on a crowd of women, one woman killed, nine wounded.
- (4) *Yediot Aharonot*, 22/5/1969, an Arab who refused to stop at the demand of an army patrol killed in Gaza.
- (5) *Ha-Aretz*, 14/11/1969, two inhabitants of Rafah killed while being in the street during curfew hours.
- (6) *Ibid.*, 1/5/1969, a boy killed in Nablus for similar reasons.
- (7) *Ibid.*, 3/4/1970, an inhabitant of Beit Hanun (Gaza Strip) killed during curfew hours.
- (8) *Ibid.*, 13/4/1970, an inhabitant of Gaza killed during curfew.
- (9) *Ibid.*, 16/3/1970, an Israeli Arab killed in Gaza when army fired into the crowd.
- (10) *Ibid.*, 24/3/1970, an inhabitant of Nablus killed during curfew.
- (11) *Maariv*, 24/4/1970, two inhabitants of Rafah killed during curfew.

TORTURE¹

- (1) *Zot ha-Derech*, 17/1/1968: Naim al-Ashhab, from East Jerusalem, arrested in Nov. 1967, complains of severe beating in the Jerusalem jail.
- (2) *Ibid.*, *ibid.*, curfew and investigations in a refugee camp in Gaza (31,000 inhabitants); male population from the age seventeen to sixty was removed into a closed compound and held for thirty-six hours in pouring rain and severe cold. A considerable number fainted.
- (3) *Ibid.*, 21/2/1968, a wave of arbitrary arrests of women and youngsters in the West Bank and Gaza. More than 300 women, representatives of all-women organiza-

¹ The selection covers the period 1968-1970.

tions in the West Bank signed a petition addressed to Defence Minister M. Dayan, in which they complain: "The authorities are arresting many women with no reason; those women are not charged . . . The cruel and terroristic actions of the occupation authorities in Gaza Strip include destruction of huts, houses, citrus orchards, water well engines, curfews for several days irrespective of the needs of children and old men and prevention of first medical aid and necessary treatment of the sick."

(4) *Ibid.*, 8/5/1968, after a non-violent strike in Ramallah and al-Bira travel in and out of the two cities was totally cut off; this was described as an "educational action."

(5) *Ibid.*, 29/5/1968, Henri Habash, Nabil Diab, Walid al-Dusi, Ziad Hanna Amira, Muhammad Abu Kabir, Ziad Muhammad Abu Mazir from East-Jerusalem complained of being tortured at the Jerusalem police station and pointed out in court the policeman who tortured them. They were accused of distributing leaflets calling for a non-violent strike.

(6) *Ibid.*, 24/7/1968, Lawyer Jamil Shalhub submitted a complaint to Defence Minister, Minister of Police and the Prime Minister, concerning the pupil Muaid Uthman al-Bahash from the Nablus al-Salahiyya Secondary School. He was arrested on 9/12/1967. No visits whatever for a period of six months. When finally allowed a visit he was found with his left hand completely paralysed and gave the following declaration of torture in the Sarafand Military Prison: "I was hanged by my hands to the ceiling, pulled down by the legs, flogged and beaten on my sexual parts until I lost consciousness. I was chained, hands and feet, and compelled to run under the compulsion of flogging. I was left alone only after I was bleeding in all parts of my body. Urine was poured over me. Electrodes were attached to my body and head and electrical current was sent through. Cigarettes were extinguished on my body and scars remained till this very day."

No investigation was carried out.

(7) *Ibid.*, 4/9/1968, the prisoner Aballa Shafiq Taha Adama on meeting her lawyer F. Langer at the Jerusalem gaol, in the presence of Ali Rafi' and Inspector Golan, burst into tears and complained of torture; Inspector Golan tried to hush her, yet to no avail. She told that immediately after her arrest she was put into a cell with several Jewish prostitutes, who stripped her naked in the presence of the policemen and beat her brutally. Then, still naked, she was put into punishment cell, where she was denied elementary sanitation facilities and was forced to relieve herself in the cell for three days. She was left naked for eight more days and then brutally kicked by a policeman named Duwayk. She was pregnant and started to bleed. Her request for medical treatment was refused.

(8) *Ibid.*, *ibid.*, Luftia al-Huwari met her lawyer F. Langer on 12/8/1968 and told a similar story.

(9) *Ibid.*, 17/10/1968, a demonstration of school girls in Nablus was broken by shooting into the crowd; several girls were wounded.

(10) *Ibid.*, 4/12/1968, Yahya Asad Abd al-Rahman al-Jasim, secondary school pupil from Gaza, arrested in Oct. 1967. He complained of torture and was charged with subversive activities on 1/1/1968. For ten months he was waiting for his trial, and then the charge was cancelled, but the accused was not released, but remained in gaol by administrative ordinance issued on 30/10/1968.

(11) *Ibid.*, 18/12/1968, Hasan Isa Hassan al-Batat, aged fifteen from al-Zahariyya near Hebron, arrested in the bus on returning from school on the charge of not carrying an identity card. He explained that since he is fifteen years old he is not entitled to an identity card; yet he was carried to Hebron gaol and was beaten on his head. He died a few hours after he was released. A local doctor identified the cause of his death as brain injury.

(12) *Ibid.*, 26/12/1968, Uthman al-Aaraj from East Jerusalem was arrested during the demonstration of school girls near the Nablus Gate. He was brought to the Jerusalem police station, put into a cell and stripped naked. Three plain-clothes policemen beat him with a stick on his body, and specially on his sexual parts, inserted the stick into his rectum and then pushed it into his mouth. The prisoner was left naked and beaten again but still refused to confess. He was freed on 28/10/1968 and cautioned not to speak with anybody about his interrogation. However, he immediately consulted a doctor, who issued a statement asserting grievous bodily injuries. He then forwarded a complaint to the authorities. The next day, 29/10/1968, he was rearrested and held in an isolation cell until all marks of the torture disappeared, without being interrogated again. He was then freed.

(13) *Ibid.*, *ibid.*, Rajib Abd al-Muati Abu Ras from al-Bira was arrested in Oct. 1967, held six months in prison, charged and acquitted without being brought before a court. Rearrested immediately again by administrative ordinance and held in isolation. His fellow prisoners reported to his family that he was hanged by his hands, lost several of his finger nails, and he was compelled many times to drink water from the faeces container. He was released on 12/11/1968, his torn-out finger nails were observed by his lawyer and a complaint was submitted to the Minister of Justice. On the next day he was again rearrested by administrative ordinance for the period of six months.

(14) *Ibid.*, 28/1/1969, in his reply to the Israeli Parliament (Knesset) to a query concerning the killing of three Palestinians and the wounding of seven (including a six-year old child) Defence Minister M. Dayan stated that firing into the crowd is legal.

(15) *Ibid.*, 26/3/1969, Quaim Abu Aqar, from East Jerusalem was arrested and died in the Jerusalem gaol. His death was not investigated, but his body was brought by the

police straight to the cemetery and his family was compelled to bury him instantly.

(16) *Ibid.*, 7/5/1969, Dawud Ali Ariqat, from Jericho, arrested on 23/3/1969. He was not allowed to see his lawyer for over a month, and on meeting him complained of torture in the Jerusalem gaol by plain-clothes policemen. A complaint was sent to the Minister of Police and Defence Minister.

(17) *Ibid.*, 18/6/1969, the following are details of the conditions in Hebron gaol: prisoners are permitted to relieve themselves only twice a day, at 7.00 p.m. and 6 a.m., each time for one and a half minutes. Washing is allowed only twice a week and not allowed on other days, even for lustration before daily prayers. There are no daily walks and the density in the cells is terrible.

(18) *Ibid.*, 23/7/1969, Naim al-Ashhab complains in a letter from his prison: "During my imprisonment I finally came to know the meaning of the Israeli democracy. Even in the field of medical treatment in gaol there is racial discrimination between Jews and Arabs . . . I have come to know Israelis encouraging and promoting the execution of homosexual assault against Arab political prisoners in full knowledge and approval of the prison management (the prisons concerned are Ramleh and Jerusalem gaols).

(19) *Ibid.*, 20/8/1969, in the Military Court of Ramallah a long series of torture carried out in the Jerusalem prison was revealed. Lawyer Bashir al-Khayri, Abd al-Hadi Awda and Abu Hadidha, who were represented by the lawyers Antun Jasir and F. Langer, testified that they were prevented from seeing their lawyers for about a month, and finally, when Mr. Bashir al-Khayri was allowed to see his lawyer in the presence of the police and began complaining of the torture, he was immediately taken away on the claim that he was not speaking to the point. The police

doctor was called by the prosecution in rebuttal and was proven in cross-examination not to have examined at all the accused.

(20) *Ibid.*, 4/9/1969, Sami Abu Diyab, Abd al-Latif Id from East Jerusalem complained during their trial on the following tortures. Abu Diyab gave the following evidence: "I was beaten by a stick and iron wire, I was hanged by my feet upside-down and a bullet was inserted into my rectum until I lost consciousness." Abd al-Latif: "I was beaten with a nailed ruler, I was beaten on my eyes, I was hanged down by chained feet, a bullet was inserted into my rectum and I lost consciousness." When the prosecutor suggested that they were lying Abu Diyab answered: "We have honour and we are speaking the truth. It is the interrogators who lie because they are torturing us and then swearing in court that they never touched us."

(21) *Ibid.*, *ibid.*, prison conditions in the Ashkelon jail: prisoners are forbidden to address their warders, unless they literally lower their head, they sleep in shifts on the floor (without mattresses). The prisoners, who by and large are on administrative detention and are mostly educated, are refused books and other reading material. Prisoners are allowed to relieve themselves only twice a day (7 p.m. and 6 a.m.) for one and a half minutes only.

(22) *Ibid.*, 24/9/1969, Yusuf Abdallah Udwan, prisoner in Tul-Karm by administrative ordinance dated 29/3/1969. He was refused permission to see his lawyer F. Langer. On 8/9/1969, he was brought to the Commission of Appeal and his lawyer has seen him there. He reported of rough beating by sticks in all parts of his body until he could not move about by himself for long periods. He was tortured by electrical instruments and lighted matches. A favourite torture consisted of burning his lips with lighted matches and asking him to put them out. The representative of the International Red Cross was not allowed to see him. The chairman of the Appeal Commission refused to hear anything

on this matter claiming that it is no business and no concern of the Commission.

(23) *Ibid.*, *ibid.*, Ishaq Ali al-Marajai, from East Jerusalem, arrested in March 1969, complains of being hanged by the feet and flogged in this position, beaten on his head with a stick, and had hot and cold water alternately poured over him. He was also tortured with electrodes. He is incapacitated to this very day, and the scars on his head are clearly visible.

(24) *Ibid.*, 19/11/1969, on further sessions of the Ramallah Military Court on Bashir al-Khayri case, the prisoner reported again on torture undergone in the Jerusalem gaol. When cross-examined by the prosecutor on his torture allegations he declared in the court: "The prosecutor says there are no beating and torture in your régime. He tries to show that my evidence is a lie. I ask this court to visit right now the prison of Ramallah which is situated only a few metres away, and I will show you scores of people who have undergone torture, bleeding all over, and with broken hands. If you truly want to do justice please fulfil my request." His lawyer F. Langer supported his petition, but the reply of the court was: "You must defend yourself and not others, and we are not interested in visiting prisons."

(25) *Ibid.*, 6/5/1970, in her open letter to the Minister of Police entitled "Where is truth, Mr. Police Minister?" Lawyer F. Langer sums up cases of torture reported to her during the past six months:

(a) Abd al-Mutallib Abu Ramila, from East Jerusalem was reported insane three months after his imprisonment.

(b) Naim al-Ashhab was again beaten, this time by Jewish prisoners in the Shatta prison, who were reported to be instigated to do so.

(c) Abd al-Hadi Awda and Abu Hadidha (see also item 19) gave evidence in the Ramallah Military Court and reported on the tortures they have undergone during

police interrogations in Jerusalem. Abu Hadidha has shown the court the wounds on his head. He also reported on the tortures he has undergone in the Sarafand gaol.

In this open letter to the Minister of Police, Lawyer F. Langer says: "Your Honour is informed of Ishaq Ali al-Marajai case. Mr. Marajai pointed out the names of the interrogators who have beaten him in the Jerusalem police station, and described his tortures (see item 23). The charges against him were cancelled and he is now an administrative prisoner. He is still incapacitated and the wounds on his head are still open. He was invited by police officers to testify on his complaints of torture, but was not allowed to invite his lawyer to be present during his testimony - and this was the end of the police investigation. The policy ministry then alleged that he refused to testify and there was no further evidence to support his claims. Can such procedure be called investigation? Why were those who could testify of being eye-witnesses, who have seen the prisoner beaten and bleeding not invited to give evidence? Why was the prisoner not allowed to testify in the presence of his lawyer?. . . Is the evidence engraved on the man's body not sufficient testimony?"

42. Investigation Committee Report on Two Different Categories of
Violations of Human Rights in Israel¹
July 1970

The Investigation Committee of the Israel League for Human and Civil Rights (Affiliated to the International League for the Rights of Man) comprised of its chairman Dr. Israel Shahak, its vice-chairman Mr. Uri Davis and its secretary Mr. Yeshaayshu Toma Shick visited on July 22, 1970 the villages of Tayba and Tira in order to get direct information on two different categories of violations of human rights in Israel.

- 1) *Police interrogation under torture.*
- 2) *Political oppression of Arab communists by Orders of Restricted Movement (based on the Israeli Emergency Laws (1945)).*

- 1) TESTIMONY SUBMITTED TO THE CHAIRMAN AND THE VICE-CHAIRMAN OF THE LEAGUE FOR HUMAN AND CIVIL RIGHTS (AFFILIATED TO THE INTERNATIONAL LEAGUE FOR THE RIGHTS OF MAN, NY) IN THE VILLAGE OF TIRA BY JAWWAD SHAKIR SAMARA, 22 JULY, 1970.

I was arrested on May 21 with five more people, including my brother Fuad, who was taken from his fiancée's house in Nablus. We were detained at the Patah Tikwa police station, and on the following day we were taken to Nataniya court and brought before the judge, who authorized 10 day detention for the purpose of interrogation.

Both myself and my brother were interrogated. When the interrogation of my

¹

Israel League for Human and Civil Rights, "Testimonies on Two Different Categories of Violations of Human Rights in Israel" (Tel-Aviv, July 1970).

brother was completed, it so happened that I was brought into the room just before he was about to leave. "Don't be afraid," he said. The interrogators responded by beating him violently before my eyes.

I was interrogated on connections with Palestinian guerrillas in the West Bank. I denied having any such connections - so I was beaten again and again. A man from Tul-Karm was brought into the room, identified me and read aloud a letter allegedly written by me to al-Fatah. I accused them of forging both the letter and the fake identification, as a result my eyes were covered (so as not to enable me to identify my torturers) and I was beaten very hard on my body for a period that seemed to me to be about half an hour.

My further interrogation took place in the Rishon le-Zion police station, where on the first day I was again interrogated and threatened in diverse manners (but not tortured). The following three days I spent in complete idleness in my cell. On the fourth day I was again blinded (so I could not identify where I was taken to). We probably drove south (Beer-Sheba?) and on our arrival I was taken again for interrogations. My brother was taken there too. The interrogators threatened me that no one left that room without confessing guilty. I denied all allegations, so I was stripped naked, laid on the floor with my feet up supported by a chair and they started beating my feet. When that seemed to be of no avail, they stood me up and started whipping me on all parts of my body, for what seemed to me to be an endless 1½ hours. My torturers took turns in whipping me. My brother heard my screaming and began shouting: "Nazis, Fascists" - so they took him out of his cell and whipped him 160 times on his feet ("Falaka"). My interrogation and torture were resumed alternately. At a certain stage the interrogators lay me again on the floor with my feet up; one was flogging my feet and another was pressing down my knees with all his weight. I resisted the pressure with all my might for I know that otherwise he will finally succeed in breaking my legs.

Fortunately I happened to be strong enough to resist the attempt. The interrogation continued. The whole battery of interrogators machine-gunned questions at me. At a certain stage (I was still completely naked) they tied each of my testicles with a string and pulled them apart. This sort of torture seemed to me to last for a whole half hour.

I was detained for eight days and then released. No charges were brought against me.

I am a farmer.

We, Dr. Israel Shahak (chairman) and Mr. Uri Davis (vice-chairman) herewith testify that this is an accurate account of Mr. Jawwad Samara's testimony as submitted to us in his home at Tira on 22.7.1970.

Dr. Israel Shahak

Mr. Uri Davis

2) THE COMMITTEE RECEIVED INFORMATION FROM THE FOLLOWING MEMBERS OF THE ISRAEL COMMUNIST PARTY (RAKAH = NEW COMMUNIST) IN THE "LITTLE TRIANGLE"¹ CONCERNING ADMINISTRATIVE MILITARY RESTRICTIONS ON THEIR FREE MOVEMENT IN ISRAEL.

Abd al-Hamid Abu Aytā, member of the Tayba Municipality, movement confined to the village of Tayba only, house arrest from twilight to dawn (since Jan. 1970).

Uthman Abu Ras, Regional Secretary of the Israel Communist Party (Rakah), movement confined to the "Little Triangle" only. Elected member of the Israeli Trade Union Federation (Histadrut) General Council. Restrictions prevent him from going freely

¹ The territory which was transferred to Israel from Jordanian control by the Rhodes agreements, 1949.

to Tel-Aviv on Trade Union activity (since June 1970).

Ibrahim Bayasi, Secretary of the Baka al-Gharbiyya branch of the Israel Communist Party, restricted to the "Little Triangle" (since 1967).

Nasim Abu Khayt, member of the Tira Municipality, confined to the "Little Triangle" (since June 1970) (in 1963 he was dismissed from his teaching post). Since his restriction he could not receive permits for Tel-Aviv, and thus unable to continue his work in the Communist paper *Zo Haderekh*.

Muhammad Abu Isba, member of the Israel Communist Party Youth Federation. Since June 1970 refused permits to Tel-Aviv (where the Federation offices are situated).

Muhammad Kamil Abd al-Hayy, truck-driver from Tira. Member of the Israel Communist Party. Restricted to one road only on his way to the Tel-Aviv wholesale produce market.

Husni Iraqi, lawyer. Restricted to the "Little Triangle." Obligated to apply for permits for every appearance in court outside this area. Permits to Jerusalem are not granted.

Hasan Said Sultani, from Tira, crippled. Restricted to the "Little Triangle." Has difficulties in finding work there (being crippled he cannot work in agriculture).

Abdalla Samara,

Wasfi Mansur,

Abd al-Aziz Qasim,

Abd al-Fattah Iraqi; the founders of the Tira sport club. The club was dissolved by the authorities. They are restricted to the "Little Triangle." Wasfi Mansur was granted only a four hour permit to get the corpse of his son from the Pathological Institute in Tel-Aviv back to Tira.

Abd al-Rahim Azim, Tayba, member of the Israel Communist Party Executive and the Tayba Municipality. Agriculture labourer. Restricted to the "Little Triangle" for the past four years. Permits to Tel-Aviv are granted occasionally, but then only in one specified route.

Muhammad Awwad, from Tayba, plasterer, limited to the "Little Triangle."

Abd al-Qadir Abu Razzaq Hada, jha, print labourer, restricted to the "Little Triangle" since 1968. Granted bi-weekly work permits strictly limited to going back and forth to Tel-Aviv for work only. Loses every fortnight one day's work for obtaining the permit at the police station.

Abd al-Aziz Abu Isba,

Abd al-Qadir Abu Isba,

Mustafa Sheikh Yusuf,

Hashim Balum,

Hisham Ijabara; founders of the Tayba sport club. The club was dissolved by the authorities. They are all restricted to the "Little Triangle."

Basim Muhammad Amin Mansur, from Tayba, restricted to the "Little Triangle."

We would like to end this list by pointing out that the process of obtaining permits from the Israeli police and military authorities is extremely humiliating. People are kept waiting for hours, capriciously treated, intentionally degraded and humiliated. We feel it is our duty to mention the names of the Israeli officials directly in charge of implementing this policy of discrimination: General Rehavam Ze'evi - Commander of the Central Area. Colonel Isar Halamish - Assistant to the Military Commander, Central Area. (He was the military governor of the "Little Triangle" until the Military Government was abolished in 1965 and he is notorious for his oppressive behaviour to the Arab population.)

Arabi Jabara, from Tayba, the leader of al-Nahda Municipal List for the 1969 elections. Arrested one day before the legal date of submitting his List to the Ministry of Interior authorities and released one day after the termination of the appointed date.

Basim Muhammad Hajj Yihya, from Tayba, aged 14, arrested. After a period of imprisonment in unknown places he lost his mind and is now hospitalized in a mental asylum.

Fahmi Mawasi, from Baka al-Gharbiyya, administrative detention for 30 months, freed, and is now under home arrest and has to report daily at the local police station.

Thirteen Secondary School Students average age 16, from Baka al-Gharbiyya. Detained for 33 days. One of them, Rajab Abd al-Hafiz was beaten and forced to confess that his friend Omar Ibrahim Bayasi (son of Ibrahim Bayasi, the secretary of the Israel Communist Party Branch at Baka al-Gharbiyya and member of the Municipality) desecrated the Israeli flag and painted "hostile slogans" in the village school. At court he declared that his confession was forced out of him under beating and denied his forced testimony - and the case was closed. The Israeli press made full publicity of the accusations and arrests, but never mentioned the accusation of forced confession and the acquittal.

Sergeant Sakalowich stationed in the Hadera police made a rule of calling Arab secondary school graduates for interrogations centred around the question: "What would you do if one of your relatives were a member of the Palestinian guerilla organizations and would ask you to offer him shelter at your home?" He makes a point of informing those youngsters who refuse to answer that no answer will be interpreted as a hostile action against the state.

43. Report on Israeli Policies and Practices in the Occupied Gaza Strip¹
January 1971

The legend about the "liberal occupation" has been broken to pieces.

In a meeting of students Moshe Dayan said:

A year ago an order was issued to the Israeli forces in Gaza, to shoot at attackers in the streets, so that if one shoots at our soldiers, they should fire back even if other persons were wounded. I have been responsible for this order, and I would not complain if people would be hit in the streets. But the soldiers did not execute the order. They refused to shoot into the crowd and explained that they simply cannot do so. One has to shoot but one has also to see the common future. (*Yediot Ahronot*, January 7, 1971)

We can learn from Dayan that the situation in Gaza is such that soldiers of the Israeli army refuse to execute an order which permits mass murder, because the elementary human consciousness tells them that even an order of state authority cannot allow murder of innocent civilians.

By the way, as far as we know, Dayan was not accurate: not all Israeli soldiers have refused to obey his order; but we congratulate the ones who did refuse.

However, the Israeli paper with the greatest circulation had a different opinion, which it expressed in the following proposal to the Israeli commanders: "Let them take care at least to explain very carefully to the soldiers that sometimes one has to take some drastic steps which are 'not pleasant'. ." (*Ma'ariv*, January 7, 1971)

¹ Israel League for Human and Civil Rights, "The Horrors of Gaza Must Cease" (Tel-Aviv, January 1971).

Of course a permission for mass murder needs a great deal of explaining .

Some days later the Israeli papers announced that for the first time units of the Border Guards (the "Green Berets") were transferred to the Gaza Strip "in order to execute police duties in the area" and that "they are well known for their strong hand" (*Ha'aretz*, January 11, 1971).

As it is known, the Border Guards, who are called "Green Berets," were found guilty in the past of committing the Massacre of Kefar-Kassem, in which they murdered in cold blood 49 people, among them children, on one day. The maximum punishment then inflicted for this foul mass murder was - 3½ years of actual imprisonment. The man directly responsible for the order to kill, Colonel Shadmi, was fined one Agora (about one cent). Since then, these units, especially after inception of the occupation, have written a glorious chapter in the history of the oppression of peoples.

And thus, as soon as the Green Berets arrived in Gaza, the following reports were published in the Israeli press: "The police minister said: 'We are taking matters into our hands!'" (*Ha'aretz*, January 5)

Ha'ariv wrote: "The population of the Gaza Strip will have to pass through a very prolonged 'course' of 'good behaviour'." (January 4)

How is a course of 'good behaviour' passed? This is shown in the following reports:

The Green Berets and men of the Israeli army continued yesterday to act with a strong hand. In Gaza 3 persons were wounded yesterday, when they did not obey an order to stop and identify themselves. The Green Berets react to every provocation and disobedience. This morning they shot and wounded 2 persons in Gaza. In the first case, Green Berets saw 2 boys who incited to close stores. The patrol demanded of them to identify themselves, but they started to run away. One was shot and wounded, the second one was caught without being wounded. Half an hour later, Green Berets opened fire upon a boy who did not respond to their calling him. By these shots a girl passer-by was wounded. (*Ha'aretz*, January 12)

Five inhabitants were wounded last evening by shots of the Israeli army. The patrol had ordered a number of inhabitants to stop and identify themselves. Instead of stopping, they ran away and entered a local bus. The patrol opened fire on the lower part of the bus, in direction of the inhabitants who had taken shelter in the bus. By the shots 5 persons were wounded, 3 were hospitalized. (*Ha'aretz*, January 15)

Perhaps the Israeli press can explain how one shoots at a bus full of civilians and is able to hit precisely those who had run away . . .

Persons who live in the areas under curfew and who work outside, have been allowed to leave the area - but sources in the military government confirmed that they are not allowed to return to their homes once they have left. The director of Nasser Hospital added that there were 6 women in the hospital who delivered babies recently, but who could not be discharged because they live in Shatí (a refugee camp) and cannot go home . . . (*Jerusalem Post*, January 15)

For the first time since the war, the Israeli press admits that this is not a "liberal occupation." These are most extensive oppressive operations. There are entire areas, inhabited by tens of thousands of people, which are under curfew since several weeks. Workers strike. Pupils strike. Store-keepers strike. Mass detentions. Mass trials. Shots at passers-by.

But the reports published in the Israeli press are fragmentary, and mostly incorrect. The situation is much worse.

The following are additional reports. They were extremely carefully collected by us from Israeli eye-witnesses, from those few who said: "We cannot see such things and keep silent" - and they acted according to their conscience. We report to you about the situation in Gaza as it is in reality:

The Green Berets who patrol the Gaza Strip are equipped, in addition to their weapons, with clubs or whips. They stop inhabitants, beat them savagely, literally break their bones, in order to scare them. They use whips on people as one uses

them on beasts. The cruel beating and whipping causes many inhabitants to run away as soon as they see Green Berets. This is the real reason for what is later described in the press as "shots at persons who had tried to run away." In this manner hundreds of people, among them women, children and old people, have been hit. The Israeli press, as usual, tries to deny. In the *Ha'aretz* of January 15, the following passage appeared:

Reports of foreign correspondents, according to which hospitals in Gaza are filled with persons beaten or wounded by shots of the security forces, are wholly untrue. On visiting yesterday 3 hospitals in Gaza (the Baptist, Shiffa and Nasser Hospitals), I found in all three of them three inhabitants."

This description of *Ha'aretz* is not only contradicted by Israeli eye-witnesses, but it does not stand the simple test, when compared with the daily reports in the Israeli press about the number of the wounded.

And indeed on the very same day the correspondent of the *Jerusalem Post* saw that " . . . the Baptist Hospital treated six men in the out-patient clinic for lacerations which doctors said had been caused by beatings, and at Shifa Hospital, Dr. Tarazi pointed out two male patients who said they had been beaten by soldiers." (*Jerusalem Post*, January 15)

But naturally most of the wounded do not reach any hospital in the situation now prevailing in the Gaza Strip.

Interrogation of suspects is carried out with extreme brutality. A doctor, who had worked in the Gaza Strip, reported:

A person was brought to me, who had been wounded by shots in his legs. My first diagnosis was, that one leg was lost and the second leg could only be saved if the wounded person could be quickly transferred to the hospital in Askalon (in Israel). The security forces refused, and in accordance with an order given by a high-ranking officer, the wounded man was taken away and returned after four hours and by that time the second leg too was lost . . .

Searches in the refugee camps and in the poor neighbourhoods are carried out accompanied by maltreatment of the inhabitants and wholesale destruction of their wretched possession. These searches are carried out by the Green Berets and the Reconnaissance Unit. These usually strip women naked under the pretext of a "search", and stand them nude or almost nude against a wall. In the same way they treated a busful of nurses on their way to hospital. In the same manner they acted in main streets. After the intervention of international factors this maltreatment on main streets ceased, but it continues in side streets. Jewelry and watches of the women are robbed in bright daylight and the few belongings of poor families are savagely shattered and destroyed.

Thousands of people are detained. Because of "want of space" in the ordinary jails, a huge concentration camp has been opened on the sea shore opposite the "Employment Battallion." Horrible cries are heard for hours on hours from that place, which is out of bounds even for Israeli soldiers.

A Concentration Camp for Families of "wanted persons" was opened in the Central Sinai Desert, at Nahl, in the district of Kosseimeh, and this camp is being speedily enlarged. Women and children, whose only crime is that they are relatives of "wanted persons," are confined in this desert place. With this criminal action against women and children the Government of oppression has reached a new record of barbarity. Adding hypocrisy to crime, the order was given that at least one man must be deported and confined together with such a family, "so that it might not be said that we desecrate the honour of Arab women."

Male relatives of "wanted persons" (brothers, nephews, cousins etc.) are confined in another concentration camp in the Sinai Desert, in the Abu-Rudeis District, in accordance with an "official deportation order," as instructed by an explicit order of the highest authorities. The only crime of those confined is that

they are relatives of a person who himself is not more than merely suspected!

Do not try to evade responsibility for these crimes under the pretext that you did not know.

Do not try to hide behind miserable claims to some imaginary honour. Do not try to say that the events truthfully described here are an "insult to the whole State" and a "profanation of the Knesset" - the Israeli parliament - as was attempted by Mr. Gideon Hausner, the attorney general in the Eichmann trial. (Ma'ariv, January 21)

True honour is the revelation of the whole truth.

True honour is respect for human rights.

Your true honour, citizen, is to demand the immediate stopping of the oppression and maltreatment.

We call upon all Israeli citizens and upon all persons of conscience anywhere in the world :

Lift your voice against the horrors committed in Gaza!

We warn : possibly the situation will still more deteriorate.

We demand to establish an independent public-judiciary commission in order to investigate the situation in Gaza.

We call upon all soldiers and civilians who are in Gaza or in any other occupied area, not to keep silent, but to testify about what they see and hear. Do not pass without reacting any place from which you hear the cries of tortured human beings! Do not pay any attention to orders calling for silence. Remember : the one who is silent, helps the torturers!

We call upon all Israelis to join us in the demonstration on Monday, February 1, 1971, at 3.30 p.m., in front of the Knesset, Jerusalem!

Remember : - Anyone who keeps silent about the horrible injustice; anyone who disregards

the acts of oppression, is a partner to it and bears responsibility together with those actually carrying out this injustice.

Lift up your voice against the oppression in Gaza - come to the demonstration!

44. Statement on Israeli Occupation Policies and Practices and
International Reactions to Them ¹

November 1971

A RESPONSE TO HYPOCRISY AND GLORIFICATION

as represented by two letter-writers, who took upon themselves to identify Israel with wrong-doers in the 4th September issue of The Spectator, London.

First I would like to protect myself from the fate that befell "a" Mr. Nathan Chofshi, of whom one of those Israel-experts, a Mr. G. writes: "no one has ever heard of this person, but even if he does exist (and it is not unusual for propaganda machines to "create" people)" etc.

Incidentally, Mr. Nathan Chofshi is an octogenarian farmer and publicist, a foundation member of the first Moshav-type Jewish colony, Nahallan (1921), in the valley of Jezreel, leader of the Israeli branch of the War Resisters' International, etc.

Why declare this man a fictitious figure? Well, he, a Jew, dared to believe and proclaim that the Arab is his brother.

Now, allow me, for the sake of evidence of my very existence, to introduce myself.

I am founder member of the Israeli League for Human and Civil Rights (ILHCR) in 1935 and, ever since, member of its Committee. The draft constitution of our League, endorsed in 1936, adopted in 1937 and slightly amended in 1965, has been my work.

The legal foundation of the League in 1937 resulted largely from the labour and

¹

Israel League for Human and Civil Rights, "Response to Hypocrisy and Glorification" (Tel-Aviv, November 1971).

devotion of Dr. Elchon Hinden (a British-Jewish physician) who became the first chairman (while under the British Mandatory Government of Palestine, our League was affiliated to the National Council for Civil Liberties, London); at present it is Dr. Israel Shahak, an ardent Spinozist and zealous humanitarian, from the Chemistry Department of the Hebrew University, Jerusalem (in the current year, at the University of London).

Brazenly to assert - as does one of the letter-writers, Mr. S. - that the ILHCR is a "Communist front organization," seems to me either as the cheapest display of McCarthyism transplanted to England, or else based on the assumption that the striving for Human Rights is an exclusively communist object. Could anyone produce an instance of refusal by our League to lend assistance required by anybody, Jew or Arab, because of his party affiliation? Or should we keep silent until we make sure party, religion or nationality of a man, who is kept in prison for 1-2-3 years - actually for an undefined term, at the sole discretion of the Defence Minister - without being accused of any offence, let alone bringing an action against him before a court of law?

Many hundreds of such cases you can easily "discover" in Israel and the occupied territories, many a thousand of Arabs has been through that ordeal.

Ibrahim Faraj Ganayem, past-member of the long ago illegalised "El-Ard," an Arab nationalistic organization, was kept in administrative detention during 34 months. On 10/10/70 he was released but confined to his village, Baka-Al-Gharbiye, and, from sunset to sunrise, to his house. Though he was "allowed" twice daily to report to a police-station at a distance of 12 kilometers, i.e. to walk 48 km. every day, nobody told him how and when he could earn his daily bread. His lawyer lodged a complaint at the high court of justice, and three high justices issued an order nisi

against the Minister of War and the Minister of Police. The date of the Court's session was fixed for the 8th July 1971. Ibrahim was brought into the court room handcuffed by policemen. What happened? On the 29th June, on the day his lawyer wrote him to appear in court, he was arrested "for interrogation" and for a lesson how to meddle with High Court affairs . . .

Clearly the above-mentioned letter-writers thought it more expedient to "discredit" sources of knowledge than to contend with facts.

WHO IS DAMAGING ISRAEL'S IMAGE?

Now the tactics of Mr. S. in defending the undefendable are of a very wide range. Actually, he is blacklisting not only the ILHCR, but all the sources of any of the torture "stories."

1. Western journalists: "hearsay evidence," he says, was never corroborated.
2. International Red Cross: - smear campaign "of some astute lobbying in Geneva by its Arab members."
3. Amnesty: - merely repeated torture "stories" of four people who "were subsequently offered a safe conduct to go to Israel to prove their cases. They all refused!"
4. ILHCR - as above quoted.
5. Finally, the UNO Commission on Human Rights "is composed of the representatives of Yugoslavia, Ceylon and Somalia."

Here again one must warn the reader against another mischief. Mr. S. purposefully tries to mix the Commission on Human Rights, a permanent organ of UNO (which has drafted the Declaration of Human Rights) with the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. Very clever indeed . . . He tries with one blow "to kill" the members of the Special

Committee ("enemies of Israel") and to discredit the UNO Commission on Human Rights.

Why all this? Because the UNO Committee on the 15th March 1971 adopted a resolution on violation of Human Rights in the occupied territories. How dare Mr. S. and his ilk do it? The answer you'll find in his own letter: "The assumption is that the reader will have neither time nor the opportunity to check the source."

With the same moral courage Mr. S. makes a point on emphasizing "that in the latter half of 1969 the Arab propoganda machine opened a smear campaign . . . to damage Israel's image." The truth is, that the General Assembly decided to establish the Special Committee by a resolution the year before, on the 19th December 1968, i.e. before the Arab "smear campaign" started. But that resolution was immediately "denounced and rejected by the Israeli delegation as being discriminatory and unbalanced" and the delegation stated in a note verbale that "the Government of Israel is not prepared to extend co-operation or facilities to the Special Committee."

Nobody could do more damage to the so-called image of Israel than its own Government.

The evidence presented to the Special Committee consists of oral statements, documents, newspaper articles, published statements, etc. "The Committee notes (in its report), that a number of witnesses, in independent testimony in different countries have corroborated one another's evidence." (Anybody may obtain from UNO the Report of the Special Committee - No. 8089, dated October 1970, Original: English.)

It is my genuine opinion that only an International Committee could help my country to mend its image: to find the criminal inquisitors in order to punish them and only them. Then nobody would identify the people of Israel with inhuman tortures!

And what about Amnesty International?

" . . . the Amnesty report of April 1970 repeated a number of these torture stories and asked for their investigation," says Mr. S., but he doesn't tell you what form of investigation, and whether it was carried out!

Here, let us remember the highly friendly attitude of A.I. towards the Israeli Government.

During the last two years (underlined by M.A.) Amnesty's representatives have made a number of visits to the M.E. . . . In the course of these journeys a number of those previously imprisoned or detained in Israel and the Occupied Territories approached the representatives with serious allegations of the maltreatment of Arab prisoners by Israeli personnel.

In Amnesty's view such an investigation that is needed can be carried out with the necessary speed and vigour only by a Commission of inquiry whose impartiality is beyond question . . . For twelve months now Amnesty has pressed this point of view on the Israeli Government and has gone to considerable length in delaying its own action . . .

Now what is wrong in the action of A.I.?

Obviously, the Israeli Government opined, that it itself is impartial "beyond question" and "decided to grant the complainants . . . the requisite permits . . . to lodge their complaints in accordance with existing procedures" (A.I. report, p. 11). And even such forced and highly dubious compliance of the Israeli Government was later (10/2/70) "elucidated" as follows: "The method of dealing with complaints is determined in each individual case in accordance with the circumstances and within the provisions of law."

Unheard of generosity, unprecedented sense of justice!

Not enough, this too was revoked quite cynically in a letter of the Israeli Ambassador in London (20th March 1970), saying that "it would be premature for the Israeli Authorities, at this stage and before official and proper complaints have been

properly prepared and submitted, to determine the most appropriate, efficient and judicial way of dealing with them."

Each phrase a sneer! "Premature," while the victims had been crying out about bestial tortures.

No great wonder, that the victims never declared joyfully their willingness to return to Israel and meet judges who had heard such complaints hundreds of times, while their stony stare and stony heart remained unmoved, though they themselves very well knew the truth.

Hear just one instance: on the 10/11/69, at a session of the Ramallah Military Court (West-Bank) on the Bashir Al-Khairi case (reg. 82/69), the prisoner reported on torture undergone in the Jerusalem goal. He declared:

The prosecutor says there are no beating and torture in your régime . . . I ask this court to visit right now the prison of Ramallah which is situated only a few metres away, and I will show you scores of people who have undergone torture, bleeding all over, and with broken arms. If you only want to dispense justice, please fulfil my request.

But the court was not interested in visiting prisons.

Contrariant - a flash of lightning showing up the darkness of Military Courts - was the opinion of a (civil) magistrate, Mr. Yitzhak Banah, of Beer Sheva, who rejected the confession of an accused and pronounced (*Ma'ariv*, 18/12/1969) that the prosecution is obliged to prove the circumstances under which the confession was given at the police-station by his good and free will. " 'The accused gave evidence by his good and free will' is not a slogan enough to substantiate the free will of the accused, which is necessary according to the Law for the admissibility of the confessions," said the magistrate.

Now, what about "the condemnation of Israel by the Red Cross" which was, according to the letter writer, a smear campaign "of some astute lobbying in Geneva

by its Arab members?" Just to show you how cheap and nasty an invention it is, let me quote from Art. 6 (1st para.) of the Statutes of the International Committee of the Red Cross, Geneva: "The ICRC shall co-opt its members from among Swiss citizens." All its members, actually, are Swiss citizens!

From April to September 1969 the representatives of the Red Cross have been authorized to talk with prisoners whose interrogation was finished. "This procedure referred only to prisons; police-stations and military camps remained closed to the delegates" (*International Review of the Red Cross*, No. 114, p. 503). From September on the delegates were "not able to see any detainee held incommunicado, that is to say deprived of any contact with the outside, even if his 'isolation' was not necessarily solitary confinement, but shared with other prisoners in the same category."

The letter-writers should know that the vast majority, almost all, of the complaints refer to the ill-treatment of prisoners under interrogation (see: Amnesty Report). And according to the Red Cross "visiting procedure laid down by the Israeli authorities no longer permitted to ensure that interrogation methods at variance with humanitarian law did not occur."

TWO TRIALS FOR JUSTICE

The letter-writers certainly know that no civilian person, even "friends" as they themselves, not even a lawyer who wants to meet his client, was ever allowed to visit a detainee under interrogation, which may last one, two, three or six months, or more.

In July 1968, lawyer Jamil Shalhub submitted a complaint to the Defence Minister, the Minister of Police and the Prime Minister, concerning the pupil Muaid Uthman al-Bahash from the Nablus al-Salahiyya school. He was arrested on 9/12/1967. No visit whatever for a period of six months. When finally allowed a visit he was found with his left arm completely paralysed. He gave the following declaration about torture in the Sarafand

Military Prison:

I was hung by my hands to the ceiling, pulled down by the legs, flogged and beaten on my sexual parts until I lost consciousness. I was chained, hands and feet, and compelled to run under the compulsion of flogging. I was left only after I was bleeding in all parts of my body. Urine was poured over me. Electrodes were attached to my body and head, and electrical current was sent through. Cigarettes were stubbed out on my body and scars remain until this very day.

He was deported on 7/9/1970. Testimony and detailed account of the consequences of the horrors he endured, v. in the 2nd Report of the UN Special Committee (A/8389, p. 48). The ILHCR enclosed this complaint in its memo to the UNO Special Committee. Could it act otherwise? Could the Israeli Government pass guiltless after closing the door against all International Committees of Inquiry?

The lawyer Mrs. Felicia Langer on the 20th November, 1968, addressed a letter to the Defence Minister and the Military Government of East Jerusalem which reads:

Re: The death of Hassan Al-Battal, from Al Dohari (near Hebron)

On behalf of my clients, the parents of the deceased, I appeal to you as follows:

On 28 August, 1968, the 15-year-old son of my clients was travelling in a bus from his place of work to the village where he lived when the passengers' Identity cards were examined. My clients' son did not have a card because he was a minor, as he explained to the military policeman. He added that he was registered on his father's card, and his father also had the certificates of the census. Even though the details were found true, the boy was taken to Hebron Police Station, where he was severely beaten to the point of collapse. (After returning home) he complained of pains in the neck. Shortly afterwards he went to sleep; a short while later the parents noticed his body was stiffening. He was taken by ambulance to Alia Hospital in Hebron, where he was certified dead on arrival. According to the post mortem, of which I have a copy, it was declared that he died of a stroke resulting from 12 hours of continuous pressure on the brain. His back was completely blue. All the circumstances of this case prove that there was a criminal act, and those responsible must be severely punished. I therefore request you to order an immediate investigation, etc. (Report, Special Committee, Annex VII., p. 1).

ALL INTERNATIONAL COMMITTEES BARRED OUT

If no Committee of investigation is permitted to look behind the walls - Israel rejects even UNESCO presence in East Jerusalem (*Jerusalem Post*, Oct. 24, 1971) - let the Israeli Government put in action in the Occupied Territories the IV Geneva Convention (1949) Relative to the Protection of Civilian Persons in Time of War. The demand was voiced by such a friend of our Government as Mr. S. Boyd, Assistant Legal Adviser of U.S. State Department, speaking in the Symposium on Human Rights at the Tel-Aviv University (July 1971) - in order to save Israel from obtrusive Commissions. (*Haaretz*, 2/7/1971)

Mrs. Rita Hausner, the U.S. representative in the U.N. Human Rights Commission, said it was impossible to rely only on the fairness of the occupying soldiers . . . the Americans had been deeply convinced of the humaneness of their own troops, until recent revelations shocked them (*Jerusalem Post*, 4 July, 1971).

These American friends of the Government of Israel did not mention torture stories; understandably: torture stories would have aroused especially painful memories of Jews suffering under fanatical racist regimes; and worse than that. Even so their painstakingly cautious reminder was less cautiously rebuffed.

Thus the Arab citizens of the occupied territories are left to the tender mercies of the occupying soldiers and interrogators.

TWO CASES WRAPPED IN MYSTERY

1. Kassem Abu-Akr Timimi, father of two children, from Beit Hanina village, was arrested on the 15th March, 1969. (*Al Hamishmar*, 16/5/69) Later on (exact time not known) his wife was also arrested.

On the 23rd "he" was transferred to the Jewish "Shaarei Tsedek" Hospital. But the physician refused to receive a dead body. Therefore the police sent the body to the Pathological (Anatomical) Institute. (*Haaretz*, 26/3/69) The widow was released and

ordered to bury the dead man in the evening. At the burial only the widow and her father and Muslim gravediggers were present. Most of the Jerusalem population are sure that the man died in consequence of torture (*ibid.*).

What does the police say? Why have they tried to plant a dead body on the hospital?

On the third day after, the police spokesman "did not yet take interest," ". . . he was angry of questioning him," says the reporter of *Haaretz* (27/3).

What says the Coroner's Inquest? (*Haaretz*, 16/5/69).

The Jerusalem magistrate, Mr. M. Mossek (?), investigating the circumstances of the death of Kassem Abu-Akr Timimi of Beit-Hanina in Jerusalem-East, suspect of belonging to El-Fatah, who died in the hospital (!) to which he was transferred from the Police Jail, has established that the man died of the result of a complication in his kidneys, the police being unable to prevent the death under the circumstances of the incident. The judge ordered to close the dossier.

(The police unable to prevent the death in the hospital?)

The reporter of *Al Hamishmar* (16/5/69) has a somewhat different version of the findings of the Inquiry:

. . . After the search (in his home), Kassem Timimi was taken into a jeep of the police for interrogation in the Jerusalem police. At the investigation in the Court (Coroner's Inquiry) it became clear that in that voyage the driver was suddenly impelled to stop his car at the Hotel Ambassador; Kassem Timimi was thumped by the sideboard of the jeep and received a hard blow. But nobody then attached any importance to this incident.

In the building of the Jerusalem Police Kassem Timimi gave full statement about his El-Fatah membership and his activity; his statement, according to the interrogators who testified at the investigation in the court, was given by his good will, because [!] it was conditioned by the agreement on part of the police to release his wife who had been detained beforehand as a suspect.

(A conditioned good will - the suspect hostage-wife released after death of husband!)

The witnesses related that on the 20th March Kassem Timimi began to complain of pains and aches. A physician was brought to him, who examined him, ordered to treat the corns he had on his feet [!] and prescribed him medicine to stop the feeling of nausea he felt. On the 23rd March the detainee again felt unwell, the police notified the physician who ordered the detainee's transfer to hospital. Some time after he was brought to the hospital he died.

On the same day the police applied to the magistrate to perform a post mortem inquiry into the death of Kassem Timimi, and a dissection after-death was also made for the purpose of the investigation.

To concoct all this took them 53 days: from the Hotel Ambassador to the Coroner. The judicial document is a gleaming mirror. The Coroner made only one mistake: the dossier is not yet closed.

II. And where is the body of Abu Khadra?

Kassem Abu-Khadra, a fisherman of Akko (Acre), was detained in 1965, released in May 1966, but confined to his home and ordered to report to the Police Station three times daily. Robbed of his livelihood, he fled from his ruined home with five of his children in his trawler to the Lebanon, leaving in Israel his wife and two daughters. In November 1969 he "infiltrated" with some of his friends (apparently all accused of being members of Fatah), was arrested and tortured in the notorious Sarafand (Tserifim) camp. His wife Rwida and daughter Najaath were also arrested, endured unspeakable torture, insult, humiliation (they remembered the names of the torturers) - but let us now skip the description . . . What about the man? On the 15th December she was informed that her imprisoned husband had committed suicide; within three days an investigation would take place and the body be delivered.

Now, let us add a short newspaper item:

An inhabitant of Akko, Shukry Al-Rais, wrote to the Prime Minister, Golda Meir, requesting the appointment of a Public or Parliamentary Committee to investigate the circumstances of the death in prison of his brother-in-law (husband of his sister) Kassem Abu-Khadra. He also asked for the release of

his sister detained since the 21st November.

Shukry Al-Rais in his petition says that on 15th December he was notified by the Akko police, that his brother-in-law Kassem Abu-Khadra committed suicide in a prison in the centre (region) of the country. I was summoned to appear on 18th December before a committee of investigation at the Magistrate Court in Petah-Tikva, he writes. I came with advocate Faris Bar (Peretz Barak?) of Akko, but I was not admitted to appear before the committee. After that it came to our knowledge that the deceased had been buried in one of the cemeteries.

As said above, he requests that a Public or Parliamentary Committee of Inquiry should be set up in order to investigate the circumstances of the death of Kassem Abu-Khadra, to deliver his body for medical examination, and afterwards to hand it over to the members of the family for burial in Akko.

It became known, that Al-Rais has sent copies of this petition to a number of Jewish and Arab members of Knesset (M.P.), to the Akko municipal council and other public personalities.
(*Lamerhav*, 31/12/69)

On the 7th January Rwida was released from prison, but received neither the body of her husband nor any reply to her supplications, though a telegram reached her on the 15th February, 1970, from Police H.Q., informing her that her husband Kassem Abu-Khadra had been buried in the West Bank (what a "precise" location of the place of burial!) and that she has to obtain written permit from the Health Department, if she wants to transfer the body of her husband to another place.

At the end of 1970 there were 3217 civilian prisoners imprisoned in Israeli jails. Only 1535 of them under sentence; 1196 detainees; and 486 under administrative imprisonment (*Haaretz*, 8/10/71) - nobody can tell the actual difference between the position of the last two groups - without trial, their prison term is unlimited. Replying to a question in the Knesset the War Minister states that at present there are "3687 terrorists imprisoned in Israel" (*Haaretz*, 3/11/71). He did not specify.